



House Bill No. 7409

Public Act No. 07-217

AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, EXPANDING THE MEMBERSHIP OF THE SENTENCING TASK FORCE AND REVISING CERTAIN REPORTING DEADLINES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (b) of section 2-8r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any member of the General Assembly on July 1, 1985, who is not a participant in the General Assembly pension system may elect to become a member of tier I in the state employees retirement system, part A or part B, provided [he] the member makes application to the State Employees Retirement Commission not later than December 31, 1985. Any such member may obtain credit for any credited past service for which [he] such member would have been eligible as a member of the General Assembly pension system provided [he] such member makes the required contributions to the State Employees Retirement Fund in accordance with section 5-181. Failure to make such application by December 31, 1985, shall result in forfeiture of the member's right to participate in tier I of the state employees retirement system, and the member shall become a member of tier II of the state

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employees retirement system and eligible for vesting service as provided in subsection (a) of this section.

Sec. 2. Subsection (b) of section 3-2a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Notwithstanding the provisions of subsection (a) of this section, the increase in the annual pension for Governors and in the compensation to surviving spouses of Governors, effective on January 1, 1979, shall not apply to the Governor in office on July 7, 1977, or to such Governor's spouse.

Sec. 3. Subsection (a) of section 3-99a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in subsection (b) of this section, the Secretary of the State shall receive, for filing or recording any document, instrument or paper required to be filed or recorded regardless of the number of pages, when fees are not otherwise specially provided for, twenty-five dollars. The Secretary shall receive, for preparing and furnishing a copy of any document, instrument or paper filed or recorded: For each copy of each such document, regardless of the number of pages, twenty dollars, for affixing [his] the Secretary's certificate and the state seal thereto, five dollars; for the Secretary's certificate with the state seal imprinted or affixed, twenty-five dollars; for a certificate, with the seal of the state imprinted or affixed thereon, of any fact or record for which no special provision is made, twenty-five dollars; for certifying the incumbency of a judge of probate, notary public or other official, twenty dollars, except that for certifying the incumbency of an official in connection with an adoption of a child, such fee shall be five dollars.

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Sec. 4. Subsection (a) of section 3-117 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in subsection (b) of this section, upon the settlement of any claim against the state, the Comptroller shall draw an order on the Treasurer for its payment; but each such claim shall be submitted directly to the agency which ordered or received the articles or service for which such claim was made. The agency shall certify that such articles or services have been received or performed or, if not yet received or performed, are covered (1) by contracts properly drawn and executed, or (2) under procedures adopted by the Comptroller. Each claim against the state shall be supported by vouchers or receipts for the payment of any money exceeding twenty-five dollars at any one time, and an accurate account, showing the items of such claim, and a detailed account of expenses, when expenses constitute a portion of it, specifying the day when and purpose for which they were incurred. The original vouchers or receipts shall be filed in the Comptroller's office or retained by such agency in accordance with such procedures as the Comptroller may prescribe.

Sec. 5. Subsection (b) of section 4-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The Governor may designate any commissioner, officer or agency of the state or any group or committee of commissioners or officers of the state as the sole agency of the state, [(i)] (1) to apply for, accept and expend funds allocated or payable to the state for state, local and other expenditures under any Act of Congress or administrative ruling pursuant thereto, [(ii)] (2) to establish and administer or supervise the administration of any state-wide plan which is now or may hereafter be required as a condition for receipt of federal funds, and [(iii)] (3) to take such other action as may be

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reasonable and necessary to fulfill the purposes of the federal requirements. Such agency may comply with all administrative requirements, not inconsistent with the laws of the state, imposed as a condition for receipt of said federal funds.

Sec. 6. Subsection (a) of section 4-67x of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) [(1)] There shall be a Child Poverty and Prevention Council consisting of the following members or their designees: The Secretary of the Office of Policy and Management, the president pro tempore of the Senate, the speaker of the House of Representatives, the minority leader of the Senate and the minority leader of the House of Representatives, the Commissioners of Children and Families, Social Services, Correction, Mental Retardation, Mental Health and Addiction Services, Transportation, Public Health, Education, Economic and Community Development and Health Care Access, the Labor Commissioner, the Chief Court Administrator, the [Chairman] chairman of the Board of Governors [for] of Higher Education, the Child Advocate, the chairperson of the Children's Trust Fund and the executive directors of the Commission on Children and the Commission on Human Rights and Opportunities. The Secretary of the Office of Policy and Management, or the secretary's designee, shall be the chairperson of the council. The council shall (1) develop and promote the implementation of a ten-year plan, to begin June 8, 2004, to reduce the number of children living in poverty in the state by fifty per cent, and (2) within available appropriations, establish prevention goals and recommendations and measure prevention service outcomes in accordance with this section in order to promote the health and well-being of children and families.

Sec. 7. Subsection (d) of section 4-95a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from*

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passage):

(d) No appropriation may be made under subsection (a) of this section unless authority exists in the general statutes for the programs contemplated.

Sec. 8. Subsection (a) of section 4-159 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Not later than five days after the convening of each regular session and at such other times as the speaker of the House of Representatives and president pro tempore of the Senate may desire, the Claims Commissioner shall submit to the General Assembly (1) all claims for which the Claims Commissioner recommended payment of a just claim in an amount exceeding seven thousand five hundred dollars pursuant to subdivision (3) of subsection (a) of section 4-158, and (2) all claims for which a request for review has been filed pursuant to subsection (b) of section 4-158, together with a copy of the [Claim] Claims Commissioner's findings and the hearing record of each claim so reported.

Sec. 9. Subsection (b) of section 4-168 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) If an agency is required by a public act to adopt regulations, the agency, within five months after the effective date of the public act or by the time specified in the public act, shall publish in the Connecticut Law Journal the notice required by subsection (a) of this section of its intent to adopt regulations. If the agency fails to publish the notice within such five-month period or by the time specified in the public act, the agency shall submit a written statement of its reasons for failure to do so to the Governor, the joint standing committee having

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cognizance of the subject matter of the regulations and the standing legislative regulation review committee. The agency shall submit the required regulations to the standing legislative regulation review committee, as provided in subsection (b) of section 4-170, not later than one hundred eighty days after publication of the notice of its intent to adopt regulations, or submit a written statement of its reasons for failure to do so to the committee.

Sec. 10. Subsection (a) of section 4a-4 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in subsections (b) and (c) of this section, the Commissioner of Administrative Services shall consider and devise ways and means of establishing and maintaining proper control of state property and equipment, including vehicles and office equipment; shall require the establishment of proper permanent inventory records and the taking of physical inventories of both stores and equipment; shall discover unused and improperly used or neglected equipment and shall authorize the transfer, use or disposal of such equipment.

Sec. 11. Subsection (d) of section 4d-39 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Any person who knowingly and wilfully violates any provision of section 4d-36, 4d-37 or 4d-38 shall, for each such violation, be fined not more than five thousand dollars or imprisoned not less than one year [nor] or more than five years, or be both fined and imprisoned.

Sec. 12. Subsection (c) of section 5-247 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(c) Sick leave accruals earned by employees in the unclassified service, in accordance with administrative practice or internal departmental regulations similar to those governing the classified service, prior to June 30, 1967, and which can be verified by written attendance records and which have not been used, remain to the credit of such employees for use for the purpose for which they were granted or for payment on retirement, as provided in subsection (a) of this section, as the case may be.

Sec. 13. Subsection (e) of section 7-34a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) In addition to the fees for recording a document under subsection (a) of this section, town clerks shall receive a fee of thirty dollars for each document recorded in the land records of the municipality. The town clerk shall retain one dollar of any fee paid pursuant to this subsection and three dollars of such fee shall become part of the general revenue of the municipality and be used to pay for local capital improvement projects, as defined in section 7-536. Not later than the fifteenth day of each month, town clerks shall remit twenty-six dollars of the fees paid pursuant to this subsection during the previous calendar month to the State Treasurer. Upon deposit in the General Fund, such amount shall be credited to the land protection, affordable housing and historic preservation account established pursuant to section 4-66aa. The provisions of this subsection shall not apply to any document recorded on the land records by an employee of the state or of a municipality in conjunction with [said] such employee's official duties. As used in this subsection, "municipality" includes each town, consolidated town and city, city, consolidated town and borough, borough, and district, as defined in chapter 105 or 105a, any municipal corporation or department thereof created by a special act of the General Assembly, and each municipal

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board, commission and taxing district not previously mentioned.

Sec. 14. Subsection (c) of section 7-129a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Said fund shall be in the custody of the treasurer or other officer in charge of funds of the municipality. All or any part of the moneys in said fund may, from time to time, be invested in any securities in which public funds may lawfully be invested. All income derived from such investments shall be paid into the fund and become a part thereof. The moneys so invested shall at all times be subject to withdrawal from such investment for use as provided in subsection (e) of this section.

Sec. 15. Subsection (c) of section 7-131q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Said fund shall be in the custody of the treasurer or other officer in charge of funds of the municipality. All or any part of the moneys in said fund may, from time to time, be invested in any securities in which public funds may lawfully be invested. All income derived from such investments shall be paid into the fund and become a part [thereof] of the fund. The moneys so invested shall at all times be subject to withdrawal from such investment for use as provided in subsection (e) of this section.

Sec. 16. Subsection (c) of section 7-148ff of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Any ordinance adopted under subsection (a) of this section shall include, but not be limited to, the following: (1) Standards to determine if a special assessment should be imposed on a property, (2)

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the amount of the assessment, which shall be a reasonable amount and based on an analysis of the costs to the municipality for code inspection and enforcement, including costs for police and fire personnel, (3) procedures for notice to the property owner of imposition of the special assessment, which shall include a time period to remedy the code noncompliance before the assessment is due and a process for appeal of an assessment, and (4) the appointment of a board consisting of the finance director, tax assessor and municipal code enforcement official to determine when the special assessment should be imposed on specific property. Annually, the legislative body shall review the amount of any assessment to be imposed pursuant to an ordinance adopted under this section and may revise such amount.

Sec. 17. Subsection (c) of section 7-151a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) In addition to the power granted in subsection (a) of this section, a lake authority may be granted by the legislative bodies of its respective towns powers to: (1) Control and abate algae and aquatic weeds in cooperation with the Commissioner of Environmental Protection; (2) study water management including, but not limited to, water depth and circulation and make recommendations for action to its member towns; (3) act as agent for member towns with respect to filing applications for grants and reimbursements with the Department of Environmental Protection and other state agencies in connection with state and federal programs; and (4) to act as agent for member towns with respect to receiving gifts for any of its purposes.

Sec. 18. Subsection (d) of section 7-152b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) If the person who is sent notice pursuant to subsection (c) of this

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section wishes to admit liability for any alleged violation, [he] such person may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by the town, city or borough. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the first notice provided for in subsection (c) of this section shall be deemed to have admitted liability, and the designated town official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in subsection (f) of this section.

Sec. 19. Subsection (b) of section 7-246f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) If the association owning a community sewerage system fails to take any action in accordance with requirements of subsection (a) of this section, the municipal water pollution control authority may take any such action on behalf of the association or any other action within the powers granted to such authority which is necessary to ensure the effective operation of the system and to prevent pollution of the waters of the state. For the purposes of this section, the authority shall have the right to enter upon the properties and land subject to subdivision (3) of subsection (a) of this section. Except where delay would result in pollution of the waters of the state, no such action shall be taken unless the association has been given written notice ten days prior to any such proposed action, and has been afforded an opportunity to be heard on such proposed action. A municipal water pollution control authority may recover the cost of taking any action pursuant to this

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subsection by levying assessments, in the manner described in section 7-249, or charges, in the manner described in section 7-255, against the properties served by the system. Control over the operation, maintenance, repair and improvement of the system shall be returned to the association, or to a successor thereto, upon provision to the municipal water pollution control authority of adequate assurances that the requirements of subsection (a) of this section will be met, providing that nothing contained in this subsection shall limit the powers conferred on municipal water pollution control authorities by section 7-247. Should the system be designed or intended to serve additional properties that subsequently are to be subject to subsection (a) [hereof] of this section, such properties and the owner or owners thereof shall be subject to the provisions of this section in the same manner as were the properties held by the association or the members thereof.

Sec. 20. Subsection (b) of section 7-254 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Whenever any installment of an assessment becomes delinquent, the interest on such delinquent installment shall be as provided in subsection (a) of this section or five dollars, whichever is greater. Any unpaid assessment and any interest due thereon shall constitute a lien upon the real estate against which the assessment was levied from the date of such levy. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be enforced in the same manner as property tax liens. The tax collector of the municipality may collect such assessments in accordance with any mandatory provision of the general statutes for the collection of property taxes and the municipality may recover any

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such assessment in a civil action against any person liable therefor.

Sec. 21. Subsections (b) and (c) of section 7-277a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The chief executive officer of any institution which maintains a special police force, established under the provisions of section 10a-142, and the chief of police of the Office of State Capitol Police, established under the provisions of section 2-1f, may enter into an agreement with one or more municipalities to furnish or receive police assistance under the same conditions and terms specified in subsection (a) of this section for agreements between municipalities.

(c) The chief executive officer of any town, city or borough which provides police protection solely by a constabulary force may enter into an agreement with one or more municipalities to furnish or receive police assistance under the conditions and terms specified in subsection (a) of this section.

Sec. 22. Subsection (d) of section 7-294d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Notwithstanding the provisions of subsection (b) of this section, any police officer, except a probationary candidate, who is serving under full-time appointment on July 1, 1982, shall be deemed to have met all certification requirements and shall be automatically certified by the council in accordance with the provisions of subsection (a) of section 7-294e.

Sec. 23. Subdivision (2) of subsection (a) of section 7-374c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(2) "Actuarially recommended contribution" means the lesser of the annual employer normal cost or the annual required contribution of the municipal employer to the pension plan of the municipality, as established by the actuarial valuation and determined by an enrolled actuary in a method and using assumptions meeting the parameters established by generally accepted accounting principles, provided such contribution shall [] be at least equal to the amount actuarially determined necessary to maintain the pension plan's funding ratio substantially the same as immediately succeeding the deposit of the proceeds of the pension deficit funding bonds in such pension plan. Notwithstanding the provisions of this subdivision, with respect to any pension deficit funding bonds (A) issued on or after July 1, 2006, or (B) issued prior to such date and with respect to which the municipality issuing the bonds requests and receives the approval of the Treasurer and the secretary, the term "actuarially recommended contribution" means the annual required contribution of the municipal employer to the pension plan of the municipality, as established by the actuarial valuation and determined by an enrolled actuary in a method and using assumptions meeting the parameters established by generally accepted accounting principles, provided the amortization schedule used to determine such contribution shall be fixed and shall have a term not longer than the [longest] longer of ten years, or thirty years from the date of issuance of the pension deficit funding bonds. In the event that the funding ratio of the pension plan, as determined immediately succeeding the deposit of the proceeds of the pension deficit funding bonds in such pension plan, is reduced by thirty per cent or more, the maximum permitted term of such amortization schedule shall be reduced by the same percentage. Any municipality receiving the approval of the secretary and the Treasurer to apply this definition with respect to pension deficit funding bonds issued prior to July 1, 2006, shall thereafter comply with the provisions of subdivision (3) of subsection (c) of this section.

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Sec. 24. Subdivision (8) of subsection (a) of section 7-374c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(8) "Municipality" means a municipality, as defined in section 7-369, or a regional school district.

Sec. 25. Subdivision (4) of subsection (c) of section 7-374c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(4) The municipality shall not issue pension deficit funding bonds prior to, [nor] or more than six months subsequent to, receipt of the written final review required under subsection (d) of this section. A municipality may renotify the secretary of its intention to issue pension deficit funding bonds and provide the secretary with updated information and documentation in the manner and as described in subdivision (1) of this subsection, and request an updated final review from the secretary if more than six months will elapse between the receipt of the prior final review of the secretary and the proposed date of issue of the pension deficit funding bonds.

Sec. 26. Subdivision (3) of section 7-425 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(3) "Legislative body" means, for towns having a town council, the council; for other towns, the selectmen; for cities, the common council or other similar body of officials; for boroughs, the warden and burgesses; for regional school districts, the regional board of education; for district departments of health, the board of the district; [in the case of a] for probate [district] districts, the judge of probate; for regional planning agencies, the regional planning board; for regional emergency telecommunications center, a representative board; for

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tourism districts, the board of directors of such tourism district; and in all other cases the body authorized by the general statutes or by special act to make ordinances for the municipality.

Sec. 27. Subsections (a) and (b) of section 7-436 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) After retirement, in accordance with the provisions of this part, each member of fund B shall receive, during [his] such member's lifetime, a retirement allowance payable in monthly installments at an annual rate equal to the sum of (1) and (2) as follows: (1) To the extent that [his] such member's average annual rate of pay for the last ten years of service, including service credited under the provisions of sections 7-442a and 7-442b, is derived from pay with respect to which contributions have been deducted under section 7-453 or would have been deducted had such member been included in such system during the entire ten years, one-twelfth of one and one-sixth per cent of such average annual pay, multiplied by the number of months of [his] such member's service; (2) to the extent that [his] such member's average annual rate of pay for the three highest-paid years of service exceeds the average obtained in subdivision (1) of this subsection, one-twelfth of two per cent of such average annual pay, multiplied by the number of months of [his] such member's service; provided such allowance for permanent and total disability arising out of and in the course of [his] such member's employment, as defined in the Workers' Compensation Act, shall not be less than one-twelfth of one-half of the member's annual pay at the time [his] such member's disability was incurred. Any amount or amounts received under the Workers' Compensation Act shall be deducted from such allowance, except that any member who has received a specific indemnity award under section 31-307 or 31-308 shall not have the amount of such indemnity award deducted from [his] such member's allowance. The retirement allowance herein

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provided shall be reduced by the amount of any retirement allowance concurrently payable under the provisions of section 7-431, and by the amount of any retirement allowance concurrently payable by the state employees' retirement system or the retirement system of any municipality not participating under the provisions of this part, on account of a period of service for which credit has been transferred to the Municipal Employees' Retirement Fund under the provisions of section 7-442b, or the monthly equivalent thereof if payable other than monthly. No retirement allowances under this section, before the reduction prescribed in the preceding sentence plus workers' compensation payments and benefits under the Old Age and Survivors Insurance System on account of service in a participating municipality, if any, shall exceed one-twelfth of the member's average annual pay during the three highest-paid years of municipal service, and, subject to the foregoing maximum limit, no such allowance plus payments shall be less than one thousand dollars annually.

(b) Each employee or spouse of a deceased employee retired under the Municipal Employees' Retirement Act Fund B prior to July 1, 1971, shall be entitled, in addition to his or her original monthly retirement allowance, to an additional cost of living monthly allowance computed on the basis of his or her monthly retirement allowance, less any prior cost of living increases to which he or she was previously entitled, using the table in subdivision (1) of this [section] subsection.

(1) Such cost of living allowances shall commence on July 1, 1973, and shall be computed at the rates set forth in the following table:

Fiscal Year Of Retirement Year Ending June 30 th	Rates % Of Increase
1949	40.0
1950	42.7

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1951	41.2
1952	33.9
1953	30.9
1954	30.4
1955	30.0
1956	30.4
1957	28.3
1958	24.8
1959	21.9
1960	21.1
1961	19.5
1962	18.1
1963	16.8
1964	15.1
1965	14.6
1966	14.1
1967	12.9
1968	6.0
1969	4.0
1970	4.0
1971	4.0

(2) The limitation of the maximum retirement allowance provided in subsection (a) of this section shall not be applicable to increases under this subsection.

Sec. 28. Subdivisions (3) and (4) of section 7-471 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(3) The board shall decide in each case whether, in order to insure to employees the fullest freedom in exercising the rights guaranteed by sections 7-467 to 7-477, inclusive, and in order to insure a clear and

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identifiable community of interest among employees concerned, the unit appropriate for purposes of collective bargaining shall be the municipal employer unit or any other unit thereof, provided no unit shall include both supervisory and nonsupervisory employees except there shall be a single unit for each fire department consisting of the uniformed and investigatory employees of each such fire department and a single unit for each police department consisting of the uniformed and investigatory employees of each such police department. No existing units shall be altered or modified to conform to this provision. No unit shall include both professional and nonprofessional employees unless a majority of such professional employees vote for inclusion in such unit, provided employees who are members of a profession may be included in a unit which includes nonprofessional employees if an employee organization has been designated by the board or has been recognized by the municipal employer as the exclusive representative of such unit and a majority of the employees in such profession vote for inclusion in such unit, in which event all of the employees in such profession shall be included in such unit. The term "professional employee" means: (A) Any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given time period; (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes; or (B) any employee who (i) has completed the courses of specialized intellectual instruction and study described in [clause (iv) of] subparagraph (A)(iv) of this subdivision, and (ii) is performing related

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work under the supervision of a professional person to qualify himself or herself to become a professional employee as defined in subparagraph (A) [hereof] of this subdivision.

(4) An employee organization or a municipal employer may file a petition with the board seeking a clarification or modification of an existing unit. The power of the board to make such clarifications and modifications shall be limited to those times when a petition for clarification or modification is filed by either an employee organization or a municipal employer. No petition seeking a clarification or modification of an existing unit shall be considered to be timely by the board during the term of a written collective bargaining agreement, except that a petition for clarification or modification filed by an employee organization concerning either [(1)] (A) a newly created position, or [(2)] (B) any employee who is not represented by an employee organization, may be filed at any time.

Sec. 29. Subsection (a) of section 7-505 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) During each fiscal year the Comptroller shall pay a grant to each municipality for its unrestricted use from any funds appropriated for such purpose. Payment of such grants shall be made on March thirty-first of each year. The Secretary of the Office of Policy and Management shall in February of each year calculate the amount due each municipality in accordance with the formulas provided in subsection (b) of this section and shall certify to the Comptroller the amount due.

Sec. 30. Subsection (b) of section 8-19 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(b) Notwithstanding the provisions of this chapter, any municipality, by ordinance adopted by its legislative body, may exempt from the subdivision regulations in such municipality adopted pursuant to this chapter the first subdivision of land by a landowner, provided the lot created is for affordable housing to be developed by the municipality or a nonprofit organization. The ordinance shall also provide that (1) any further subdivision of such lot [(1)] shall not be exempt from the subdivision regulations, and (2) any exemption under this section shall be in addition to any other exemption authorized under section 8-26 and shall not be construed as exercising any right under any other exemption.

Sec. 31. Section 8-119gg of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

In lieu of real property taxes, special benefit assessments and sewerage system use charges otherwise payable to a municipality, a housing authority approved by the Commissioner of Economic and Community Development for state financial assistance for a low income housing project [] shall pay each year, to the municipality in which any of its housing projects for low income families are located, a sum to be determined by the municipality with the approval of the Commissioner of Economic and Community Development not in excess of ten per cent of the shelter rent per annum for each occupied dwelling unit in any such housing project; except that the amount of such payment shall not be so limited in any case where funds are made available for such payment by an agency or department of the United States government, but no payment shall exceed the amount of taxes which would be paid on the property were the property not exempt from taxation.

Sec. 32. Subsection (b) of section 8-73 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(b) Notwithstanding the provisions of subsection (a) of this section, if the eviction of such tenants would result in or increase the number of vacancies in such project, the housing authority or developer may request approval of the Commissioner of Economic and Community Development to permit continued occupancy by tenants having an annual income over the maximum limits established for such project and rental of existing vacant units to tenants having an annual income over such maximum limits. If the commissioner finds that the vacancy rate which would result from refusal to grant such approval may result in an inability of the project to provide an income adequate for debt service, if any, administration, including the state service charge, other operating costs and reserves for repairs, maintenance, replacements and collection costs, [he] the commissioner may approve such occupancy for a period of one year, subject to renewal for additional one-year periods. The amount fixed as rent for units so occupied pursuant to this subsection shall be determined as provided in subsection (a) of this section but in no event shall such rent be in excess of one hundred thirty-three per cent of the going rental as established pursuant to [said] section 8-72.

Sec. 33. Subsection (a) of section 8-159a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) During each fiscal year the Comptroller shall pay to each municipality for its unrestricted use, from any funds appropriated for such purpose, a grant-in-aid to assist it in meeting its urban problems. Payment of such grants shall be made in March of each year. The Secretary of the Office of Policy and Management shall in February of each year calculate the amount due each municipality in accordance with the allocation formulas provided in subsection (c) of this section and shall certify to the Comptroller the amount due. In January of each year the Commissioner of Public Health shall certify to the Secretary of

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the Office of Policy and Management the population of each municipality.

Sec. 34. Subsection (b) of section 8-191 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The provisions of subsection (a) of this section with respect to submission of a development project to and approval by the commissioner shall not apply to a project for which no grant has been made under section 8-190 and no application for a grant is to be made under section 8-195.

Sec. 35. Subsections (c) to (e), inclusive, of section 8-219b of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Any loan or deferred loan contracted for pursuant to sections 8-219a to 8-219c, inclusive, shall be secured by a mortgage on the dwelling for which such loan or deferred loan was made pursuant to subsection (a) of this section. If the recipient of such loan or deferred loan assigns, transfers or otherwise conveys his or her interest in such dwelling, ceases to occupy such dwelling or uses all or any part of the proceeds of such loan or deferred loan for any purpose other than the emergency repair or rehabilitation of such dwelling, the unpaid principal balance of [said] such mortgage, together with interest thereon, shall, at the option of the commissioner, become due and payable. If the recipient of any loan or deferred loan is unable to repay the loan or deferred loan, the commissioner, at [his] the commissioner's discretion, may adjust the interest rate, terms and conditions of the loan or deferred loan to facilitate repayments.

(d) Repayment of any loan or deferred loan provided in accordance with sections 8-219a to 8-219c, inclusive, shall be subject to such

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interest rate, terms and conditions as the commissioner may establish. In no case shall the interest rate exceed one per cent above the rate of interest borne by the bonds of the state last issued prior to the date of issue of such loan or deferred loan. In no case shall the term of such loan or deferred loan exceed thirty years. Payments by recipients of any such loan or deferred loan shall be paid to the State Treasurer and deposited in the General Fund of the state.

(e) In the case of any grant-in-aid, loan or deferred loan made pursuant to sections 8-219a to 8-219c, inclusive, the contract for such grant-in-aid, loan or deferred loan shall provide that if the dwelling for which such grant-in-aid, loan or deferred loan was made pursuant to subsection (a) of this section ceases, within ten years of the date of such grant, loan or deferred loan, to be used as a dwelling for the person to whom such grant, loan or deferred loan was made, or if such person assigns, transfers or otherwise conveys [his] such person's interest in such dwelling, an amount equal to the amount of such grant, loan or deferred loan, minus ten per cent for each full year which has elapsed since the date of such grant, loan or deferred loan, shall be repaid to the state and that a lien shall be placed on such dwelling in favor of the state to ensure that such amount will be repaid in the event of such change in occupancy.

Sec. 36. Subdivision (3) of section 8-267 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(3) "Displaced person" means [(a)] (A) any person who, on or after July 6, 1971, moves from real property, or moves his or her personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by or supervised by a state agency or unit of local government and solely for the purposes of subsections (a) and (b) of

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section 8-268 and section 8-271 as a result of the acquisition of or as a result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project; or [(b)] (B) any person who so moves as the direct result of code enforcement activities or a program of rehabilitation of buildings pursuant to such governmental program or under such governmental supervision, except a business which moves from real property or which moves its personal property from real property acquired by a state agency when such move occurs at the end of a lease term or as a result of eviction for nonpayment of rent, provided the state agency acquired the property at least ten years before the move.

Sec. 37. Subsection (b) of section 8-271 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Each relocation advisory assistance program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order (1) to determine the needs, if any, of displaced persons for relocation assistance; (2) to provide current and continuing information on the availability, prices and rentals, of comparable decent, safe and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses; (3) to assure that, within a reasonable period of time, prior to displacement there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe and sanitary dwellings, as defined by the Commissioner of Transportation for transportation projects and by the Commissioner of Economic and Community Development for all other state agency programs and projects, equal in number to the number of and available to such

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displaced persons who require such dwellings and reasonably accessible to their places of employment, except that the Commissioner of Transportation for transportation projects and the Commissioner of Economic and Community Development for all other state agency programs and projects may prescribe by regulation situations when such assurances may be waived; (4) to assist a displaced person displaced from [his] the person's business or farm operation in obtaining and becoming established in a suitable replacement location; (5) to supply information concerning federal and state housing programs, disaster loan programs and other federal and state programs offering assistance to displaced persons; (6) to provide other advisory assistance services to displaced persons in order to minimize hardship to such persons in adjusting to relocation.

Sec. 38. Subsections (a) and (b) of section 8-359 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes described in subsection (b) of this section, the State Bond Commission shall have the power from time to time to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate three million five hundred thousand dollars.

(b) The proceeds of the sale of said bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by the Commissioner of Economic and Community Development for the purposes of sections 8-355 to 8-359, inclusive.

Sec. 39. Subsection (c) of section 9-15a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) A quorum of the board for the admission of electors shall consist

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of a bare majority of the members of such board. An assistant town clerk or a deputy registrar or any other town officer designated by, and acting for, a member of such board pursuant to the provisions of subsection (b) of this section shall be included as a member of such board for purposes of ascertaining the existence of a quorum.

Sec. 40. Subsection (b) of section 9-17 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Notwithstanding the provisions of subsection (a) of this section, the registrars of voters shall hold a limited session on the last week day before each regular election from nine o'clock a.m. to twelve o'clock noon for the purpose of admitting only those persons whose qualifications as to age, citizenship or residence in the municipality were attained after the last session for the admission of electors prior to an election. The registrars shall enter the names of those electors admitted at such limited session on the proper list, with their residences by street and numbers, if any, before one o'clock p.m. of such last week day before the election.

Sec. 41. Subsection (c) of section 10-15b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) If any private or public school is served with a subpoena issued by competent authority directing the production of school or student records in connection with any proceedings in any court, the school upon which such subpoena is served may deliver such record or at its option a copy thereof to the clerk of such court. Such clerk shall give a receipt for the same, shall be responsible for the safekeeping thereof, shall not permit the same to be removed from the premises of the court and shall notify the school to call for the same when it is no longer needed for use in court. Any such record or copy so delivered to such

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clerk shall be sealed in an envelope which shall indicate the name of the school or student, the name of the attorney subpoenaing the same and the title of the case referred to in the subpoena. No such record or copy shall be open to inspection by any person except upon the order of a judge of the court concerned, and any such record or copy shall at all times be subject to the order of such judge. Any and all parts of any such record or copy, if not otherwise inadmissible, shall be admitted in evidence without any preliminary testimony, if there is attached thereto the certification in affidavit form of the person in charge of such records indicating that such record or copy is the original record or a copy thereof, made in the regular course of the business of the school, and that it was the regular course of such business to make such record at the time of the transactions, occurrences or events recorded therein or within a reasonable time thereafter. A subpoena directing production of such school or student records shall be served not less than eighteen hours before the time for production, provided such subpoena shall be valid if served less than eighteen hours before the time of production if written notice of intent to serve such subpoena has been delivered to the person in charge of such records not less than eighteen hours [nor] or more than two weeks before such time for production.

Sec. 42. Subsection (c) of section 10-153j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The commissioner shall file the copy of each process, notice or demand received by [him] the commissioner as provided in subsection (b) of this section and keep a record of the day and hour of such receipt. Service made as provided in this section shall be effective as of such day and hour.

Sec. 43. Section 10-156 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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Each professional employee certified by the State Board of Education and employed by a local or regional board of education shall be entitled to a minimum of sick leave with full pay of fifteen school days in each school year. Unused sick leave shall be accumulated from year to year, as long as the employee remains continuously in the service of the same board of education, and as authorized by such board, but such authorized accumulation of sick leave shall not be less than one hundred [and] fifty school days.

Sec. 44. Subsection (a) of section 10-183jj of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) A local or regional board of education may establish a retirement incentive plan for teachers, as defined in [subdivision (1) of subsection] subparagraph (A) of subdivision (26) of section 10-183b, in its employ who are members of the teachers' retirement system. The plan shall provide for purchase of additional credited service by a board of education and a member of the system who chooses to participate in the plan, of additional credited service for such member and for payment by the board of education of not less than fifty per cent of the entire cost of such additional credited service and payment by the member of the remaining percentage of such total cost. Payment shall be made in one lump sum, prior to retirement. Any such plan shall specify a maximum number of years, not exceeding five years, of additional credited service which may be purchased under the plan. Any such plan shall have a two-month application period.

Sec. 45. Subsection (c) of section 10-233d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) In determining the length of an expulsion and the nature of the alternative educational opportunity to be offered under subsection (d)

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of this section, the local or regional board of education, or the impartial hearing board established pursuant to subsection (b) of this section, may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of such pupil.

Sec. 46. Section 10-239d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The local or regional board of education may establish a demonstration board and staff and may authorize it to administer the demonstration project authorized by sections 10-239a to 10-239h, inclusive, provided the costs of such organization shall be borne by the contracting federal agency. The members of the demonstration board, if it is not the local or regional board of education itself, shall serve for the terms established by the appointing board.

(1) The demonstration board may: [(a)] (A) Employ a staff for the demonstration board, [(b)] (B) receive and expend funds to support the demonstration board and scholarships for children in the demonstration area, [(c)] (C) contract with other government agencies and private persons or organizations to provide or receive services, supplies, facilities and equipment, [(d)] (D) determine rules and regulations for use of scholarships in the demonstration area, [(e)] (E) adopt rules and regulations for its own government, [(f)] (F) receive and expend funds from the federal governmental agency necessary to pay for the costs incurred in administering the program, [(g)] (G) otherwise provide the specified programs, services and activities.

(2) The demonstration board shall award a scholarship to each school child residing in the demonstration area, subject only to such age and grade restrictions which it may establish. The scholarship funds shall be made available to the parents or legal guardian of a scholarship recipient in the form of a drawing right, certificate or other

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document which may not be redeemed except for educational purposes.

(3) The demonstration board shall establish the amount of the scholarship in a fair and impartial manner as follows: There shall be a basic scholarship equal in amount to every other basic scholarship for every eligible student in the demonstration area. In no case shall the amount of the basic scholarship fall below the level of average current expense per pupil for corresponding grade levels in the public schools in the demonstration area in the year immediately preceding the demonstration program.

(4) In addition to each base scholarship, compensatory scholarships shall be given to disadvantaged children. The amount of such compensatory scholarships and the manner by which children may qualify for them shall be established by the demonstration board.

(5) Adequate provision for the pro rata or incremental redemption of scholarships shall be made.

(6) The contract shall provide sufficient money to pay all actual and necessary transportation costs incurred by parents in sending their children to the school of their choice within the demonstration area, subject to distance limitations imposed by existing law.

(7) The contract shall specify that the contracting federal governmental agency shall hold harmless the participating board from any possible decreased economies of scale or increased costs per pupil caused by the transition to a demonstration program.

Sec. 47. Subsection (e) of section 10-393 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) The executive director of the commission shall administer the

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commission, subject to the supervision of the commissioners. The executive director shall have the authority to administer all laws under the jurisdiction of the commission and the power and authority to: Coordinate [L] and direct the operation of the commission; establish rules for the internal operation of the commission; contract for facilities, services and programs to implement the purposes of the commission established by law; [L] and enter into agreements for funding from private sources, including corporate donations and other commercial sponsorships. The executive director is authorized to do all things necessary to apply for, qualify for and accept any funds made available under any federal act for the purposes established under section 10-392. All funds received under this subsection shall be deposited into the Connecticut Commission on Culture and Tourism account, established under section 10-395. The executive director may enter into contracts with the federal government concerning the use of such funds.

Sec. 48. Subsection (g) of section 10-416a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) Following the completion of rehabilitation of a certified historic structure, the owner shall notify the commission that such rehabilitation has been completed. The owner shall provide the commission with documentation of work performed on the certified historic structure and shall submit certification of the costs incurred in rehabilitating the certified historic structure. The commission shall review such rehabilitation and verify its compliance with the rehabilitation plan. Following such verification, the commission shall issue a tax credit voucher to the owner rehabilitating the certified historic structure or to the taxpayer named by the owner as contributing to the rehabilitation. The tax credit voucher shall be in an amount equivalent to the lesser of the tax credit reserved upon

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certification of the rehabilitation plan under the provisions of subsection (f) of this section or twenty-five per cent of the actual qualified rehabilitation expenditures not exceeding two million seven hundred thousand dollars. In order to obtain a credit against any state tax due that is specified in subsections (h) to [(k)] (j), inclusive, of this section, the holder of the tax credit voucher shall file the voucher with the holder's state tax return.

Sec. 49. Subdivision (7) of subsection (a) of section 10-417 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(7) To formulate and propose guidelines for state agencies for a "one stop permitting" process [] for matters including, but not limited to, the use of state roads and highways, the use of state-owned real or personal property for production activities and the conduct of regulated activities, and to hold workshops to assist state agencies in implementing such process.

Sec. 50. Subsection (h) of section 14-99g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(h) The provisions of subsections (b) to (g), inclusive, of this section shall not apply to any motor vehicle in livery service, as defined in section 13b-101.

Sec. 51. Section 14-147a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person who takes any motor vehicle number plate or sticker denoting the expiration date of the registration from such number plate or possesses such number plate or sticker without the permission of the person to whom such number plate or sticker was issued shall be fined not less than one hundred [nor] dollars or more than five

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hundred dollars.

Sec. 52. Subsection (k) of section 14-267a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(k) (1) Any driver of a vehicle who fails or refuses when directed by such official, upon a weighing of the vehicle, to comply with [his] such official's directions shall be fined not less than one hundred dollars [nor] or more than two hundred dollars for the first offense and not less than two hundred dollars [nor] or more than five hundred dollars for each subsequent offense. (2) Any driver of a vehicle who (A) exits a limited access highway on which a scale or safety inspection site is in operation with intent to circumvent the provisions of subsection (h) of this section, without a bona fide business purpose, or (B) fails to comply with the provisions of subsection (h) of this section shall be fined not less than two hundred fifty dollars [nor] or more than five hundred dollars for the first offense and not less than five hundred dollars [nor] or more than one thousand dollars for each subsequent offense.

Sec. 53. Subsection (a) of section 14-276 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Registered school buses while transporting school children shall be operated by holders of a valid passenger and school endorsement issued in accordance with section 14-44. Such endorsement shall be held in addition to the commercial driver's license required for the operation of such motor vehicles. A person who has attained the age of seventy shall be allowed to hold a passenger and school endorsement for the purpose of operating a school bus, provided [he] such person meets the minimum physical requirements set by the Commissioner of Motor Vehicles and agrees to submit to a physical examination at least

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twice a year or when requested to do so by the superintendent of the school system in which [he] such person intends to operate a school bus. Any person to whom a town has awarded a contract for the transportation of school children who permits the operation of a registered school bus while transporting school children by any person who does not hold a passenger and school endorsement shall be fined not less than thirty-five dollars [nor] or more than ninety dollars.

Sec. 54. Section 14-281 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person who violates any provision of sections 14-275 to 14-280, inclusive, for which no other penalty is provided shall be fined not less than twenty-five dollars [nor] or more than one hundred dollars for the first offense, and not less than one hundred dollars [nor] or more than five hundred dollars for each subsequent offense.

Sec. 55. Subsection (e) of section 15-7 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) Any person who violates or assists in violating any of the provisions of subsection (b) of this section or any direction or order of the commissioner made pursuant thereto shall be fined not more than one thousand dollars or imprisoned not more than ninety days, or both.

Sec. 56. Subdivision (5) of section 15-34 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(5) "Aircraft" means any contrivance used or designed for navigation of or flight in air, including [(a)] (A) airplanes, meaning power-driven fixed-wing aircraft, heavier than air, supported by the dynamic reaction of the air against their wings, [; (b)] (B) gliders,

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meaning heavier than air aircraft, the free flight of which does not depend principally upon a power-generating unit, and [(c)] (C) rotorcraft, meaning power-driven aircraft, heavier than air, supported during flight by one or more rotors.

Sec. 57. Subdivision (28) of section 15-34 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(28) "Ultra light aircraft" means [(1)] (A) any aircraft which meets the criteria established by the Federal Aviation Administration, federal Air Regulation Part 103, or [(2)] (B) any vehicle which: [(A)] (i) Is used or intended to be used for manned operation by a single occupant in the air; [(B)] (ii) is used or intended to be used for recreation or sport purposes only; [(C)] (iii) has not been issued an airworthiness certificate by the government of the United States or any foreign government; and [(D)] (iv) if unpowered, weighs less than one hundred fifty-five pounds or, if powered, weighs less than two hundred fifty-four pounds, empty weight, has a fuel capacity of no more than five U.S. gallons, is not capable of more than fifty-five knots calibrated air speed at full power in level flight and has a power-off stall speed which does not exceed twenty-four knots calibrated air speed.

Sec. 58. Subsection (b) of section 15-140g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any person who violates any provision of this section shall be fined not less than sixty dollars [nor] or more than two hundred fifty dollars for each violation.

Sec. 59. Subsection (d) of section 15-144 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from*

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passage):

(d) Each certificate of number and certificate of registration issued by the Commissioner of Motor Vehicles [,] shall expire on the last day of April of the year following its issuance. At least thirty days prior to the expiration date of each certificate, the Commissioner of Motor Vehicles shall notify the owner of such expiration and the certificate may be renewed as prescribed by the Commissioner of Motor Vehicles upon application and upon payment of the fee provided in subsection (b) of this section. The registration number assigned to a vessel shall remain the same as long as the vessel is registered in this state.

Sec. 60. Subsection (c) of section 16-27 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) All reports under subsections (a) and (b) of this section shall be signed and sworn to by the chief executive officer, president or vice president and chief financial officer, treasurer or assistant treasurer of the company, or by a majority of the trustees or receivers making the same.

Sec. 61. Subsection (h) of section 16-247l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(h) Any determination by the department under subsection (f) of this section regarding the amount of compensation to which an owner is entitled or approval of a settlement agreement may be appealed by an aggrieved party in accordance with the provisions of section 4-183.

Sec. 62. Subsection (b) of section 16-262f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(b) Any receivership established pursuant to subsection (a) of this section shall be terminated by the court upon its finding that the arrearage which was the subject of the original petition has been satisfied, or that all occupants have agreed to assume liability in their own names for prospective service supplied by the petitioner, or that the building has been sold and the new owner has assumed liability for prospective service supplied by the petitioner.

Sec. 63. Subsections (f) and (g) of section 16-333a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) Nothing in subsection (e) of this section shall preclude a community antenna television company from installing community antenna television equipment or facilities in a multiunit residential building prior to the department's determination of reasonable compensation.

(g) Any determination by the department under subsection (e) of this section regarding the amount of compensation to which an owner is entitled or approval of a settlement agreement may be appealed by an aggrieved party in accordance with the provisions of section 4-183.

Sec. 64. Section 16a-14 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

In addition to the duties set forth in any other law, the Secretary of the Office of Policy and Management may: (1) Be designated as the state official to implement and execute any federal program, law, order, rule or regulation related to the allocation, rationing, conservation, distribution or consumption of energy resources, (2) investigate any complaint concerning the violation of any federal or state statute, rule, regulation or order pertaining to pricing, allocation, rationing, conservation, distribution or consumption of energy

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resources and shall transmit any evidence gathered by such investigation to the proper federal or state authorities, (3) coordinate all state and local government programs for the allocation, rationing, conservation, distribution and consumption of energy resources, (4) cooperate with the appropriate authorities of the United States government, or other state or interstate agencies with respect to allocation, rationing, conservation, distribution and consumption of energy resources, (5) conduct programs of public education regarding energy conservation, (6) carry out a program of studies, hearings, inquiries, surveys and analyses necessary to carry out the purposes of this chapter and sections 4-124c, 4-124i, 4-124l, 4-124p, 8-3b, 8-31a, 8-32a, 8-33a, 8-35a, 8-37a [.] and 8-189, subsection (b) of section 8-206 [.] and sections 16a-20, 16a-102, 22a-352 and 22a-353, provided if an individual or business furnishing commercial or financial information concerning [said] such individual or business requests in writing at the time such information is furnished that it be treated as confidential proprietary information, such information, to the extent that it is limited to [(a)] (A) volume of sales, shipments, receipts and exchanges of energy resources, [(b)] (B) inventories of energy resources, and [(c)] (C) local distribution patterns of energy resources, shall be exempt from the provisions of subsection (a) of section 1-210, (7) enter into contracts with any person to do all things necessary or convenient to carry out the functions, powers and duties of the secretary and the Office of Policy and Management under this chapter and sections 4-5, 4-124l, 4-124p, 8-3b, 8-32a, 8-33a, 8-35a [.] and 8-189, subsection (b) of section 8-206 [.] and sections 16a-20, 16a-102, 22a-352 and 22a-353, (8) adopt regulations, in accordance with chapter 54, to establish standards for solar energy systems, including experimental systems, which offer practical alternatives to the use of conventional energy with regard to current technological feasibility and the climate of this state, and (9) undertake such other duties and responsibilities as may be delegated by other state statutes or by the Governor.

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Sec. 65. Subsection (e) of section 16a-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) Any person who, by himself [] or herself or by his or her agent or employee, violates any provision of this section or such regulations shall be fined not less than fifty dollars [nor] or more than two hundred fifty dollars.

Sec. 66. Subsection (b) of section 16a-18 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any person, firm, corporation, business or combination thereof [] violating any provision of subsection (a) of this section shall be fined not more than two hundred [and] fifty thousand dollars or imprisoned not more than five years, or both.

Sec. 67. Subsection (d) of section 16a-22k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Any violation of subsections (a) to (c), inclusive, of this section shall be deemed an unfair or deceptive trade practice under section 42-110b.

Sec. 68. Subsections (a) and (b) of section 16a-106 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No person shall transport into or through the state any of the following materials: (1) Any quantity of radioactive material specified as a "large quantity" by the Nuclear Regulatory Commission in 10 CFR, Part 71, entitled "Packaging of Radioactive Material for Transport", (2) any quantity of radioactive waste which has been produced as part of

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the nuclear fuel cycle and which is being shipped from or through the state to a waste disposal site or facility, or (3) any shipment of radioactive material or waste which is carried by commercial carrier and which is required in 10 CFR or 49 CFR to have a placard unless such person has been granted a permit to transport such materials from the Commissioner of Transportation.

(b) Prior to the transporting of such materials, such person shall apply to the Commissioner of Transportation for a permit and provide said commissioner with the following information: (1) Name of shipper, (2) name of carrier, (3) type and quantity of radioactive material or waste, (4) proposed date and time of shipment, (5) starting point, scheduled route, and destination, and (6) any other information required by the commissioner. Said commissioner shall grant such permit upon a finding that the transporting of such material shall be accomplished in a manner necessary to protect the public health and safety of the citizens of the state. Such permit shall be granted or denied not later than three days, Saturdays and Sundays excluded, after such person has applied for such permit, except that if the commissioner determines that additional time is required to evaluate such application, the commissioner shall notify such person not later than such three-day period that such additional time is required. Said commissioner may require changes in dates, routes or time for the transporting of such material or the use of escorts in the transporting of such material or waste if necessary to protect the public health and safety. The commissioner may consult with the Commissioner of Environmental Protection and the Commissioner of Public Safety prior to the granting of such permit and shall immediately notify the Commissioner of Public Safety of the granting of any permit and of the terms and conditions of such permit. The Commissioner of Public Safety shall establish an inspection procedure along scheduled routes to ensure compliance with permit conditions and with regulations adopted by the Commissioner of Transportation pursuant to

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subsection (c) of this section.

Sec. 69. Subsection (f) of section 17a-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) The commissioner or the commissioner's designee shall, upon request, promptly provide copies of records, without the consent of a person, to (1) a law enforcement agency, (2) the Chief State's Attorney, or the Chief State's Attorney's designee, or a state's attorney for the judicial district in which the child resides or in which the alleged abuse or neglect occurred, or the state's attorney's designee, for purposes of investigating or prosecuting an allegation of child abuse or neglect, (3) the attorney appointed to represent a child in any court in litigation affecting the best interests of the child, (4) a guardian ad litem appointed to represent a child in any court in litigation affecting the best interests of the child, (5) the Department of Public Health, which licenses any person to care for children for the purposes of determining suitability of such person for licensure, subject to the provisions of sections 17a-101g and 17a-101k, (6) any state agency which licenses such person to educate or care for children pursuant to section 10-145b or 17a-101j, subject to the provisions of sections 17a-101g and 17a-101k concerning nondisclosure of findings of responsibility for abuse and neglect, (7) the Governor, when requested in writing, in the course of the Governor's official functions or the Legislative Program Review and Investigations Committee, the joint standing committee of the General Assembly [on] having cognizance of matters relating to the judiciary and the select committee of the General Assembly having cognizance of matters [involving] relating to children when requested in the course of [such] said committees' official functions in writing, and upon a majority vote of said committee, provided no names or other identifying information shall be disclosed unless it is essential to the legislative or gubernatorial

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purpose, (8) a local or regional board of education, provided the records are limited to educational records created or obtained by the state or Connecticut-Unified School District #2, established pursuant to section 17a-37, (9) a party in a custody proceeding under section 17a-112 or 46b-129, in the Superior Court where such records concern a child who is the subject of the proceeding or the parent of such child, and (10) [to] the Chief Child Protection Attorney, or his or her designee, for purposes of ensuring competent representation by the attorneys [who] whom the Chief Child Protection Attorney contracts with to provide legal and guardian ad litem services to the subjects of [said] such records and to ensure accurate payments for services rendered by [said] such contract attorneys. A disclosure under this section shall be made of any part of a record, whether or not created by the department, provided no confidential record of the Superior Court shall be disclosed other than the petition and any affidavits filed therewith in the superior court for juvenile matters, except upon an order of a judge of the Superior Court for good cause shown. The commissioner shall also disclose the name of any individual who cooperates with an investigation of a report of child abuse or neglect to such law enforcement agency or state's attorney for purposes of investigating or prosecuting an allegation of child abuse or neglect. The commissioner or the commissioner's designee shall, upon request, subject to the provisions of sections 17a-101g and 17a-101k, promptly provide copies of records, without the consent of the person, to (A) the Department of Public Health for the purpose of determining the suitability of a person to care for children in a facility licensed under sections 19a-77 to 19a-80, inclusive, 19a-82 to 19a-87, inclusive, and 19a-87b, and (B) the Department of Social Services for determining the suitability of a person for any payment from the department for providing child care.

Sec. 70. Subsection (b) of section 17a-46 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from*

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passage):

(b) Approval of a request to defer photo-listing for any of the reasons specified in subdivision (2) or (3) of subsection (a) of this section shall be valid for a period not to exceed ninety days. There shall be no subsequent deferrals for [said] such reasons.

Sec. 71. Subsection (b) of section 17a-507 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any such hospital may admit and detain persons under the provisions of sections 17a-498, 17a-502 and 17a-506 in the same manner as hospitals for psychiatric disabilities, including persons admitted under subsection (a) of this section for whom a certificate of emergency detention or a commitment order of a probate court has been made.

Sec. 72. Subsection (b) of section 17b-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The council shall make recommendations concerning (1) guaranteed access to enrollees and effective outreach and client education; (2) available services comparable to those already in the Medicaid state plan, including those guaranteed under the federal Early and Periodic Screening, Diagnostic and Treatment Services Program under 42 USC 1396d; (3) the sufficiency of provider networks; (4) the sufficiency of capitated rates provider payments, financing and staff resources to guarantee timely access to services; (5) participation in managed care by existing community Medicaid providers; (6) the linguistic and cultural competency of providers and other program facilitators; (7) quality assurance; (8) timely, accessible and effective client grievance procedures; (9) coordination of the Medicaid managed

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care plan with state and federal health care reforms; (10) eligibility levels for inclusion in the program; (11) cost-sharing provisions; (12) a benefit package; (13) coordination with coverage under the HUSKY Plan, Part B; (14) the need for program quality studies within the areas identified in this section and the department's application for available grant funds for such studies; (15) the managed care portion of the state-administered general assistance program; and (16) other issues pertaining to the development of a Medicaid Research and Demonstration Waiver under Section 1115 of the Social Security Act.

Sec. 73. Subsection (b) of section 17b-99 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) For the purpose of determining compliance with subsection (a) of this section, all vendors shall notify the commissioner within thirty days after the date of employment or conviction, whichever is later, of the identity, interest and extent of services performed by any person convicted of a crime involving fraud in the Medicare program or Medicaid program or aid to families with dependent children program or state-administered general assistance program or temporary family assistance program or state supplement to the federal Supplemental Security Income Program or any federal or state energy assistance program or general assistance program or state-funded child care program or the refugee program. Prior to the commissioner's acceptance of a provider agreement or at any time upon written request by the commissioner, the vendor shall furnish the commissioner with the identity of any person convicted of a crime involving fraud in such programs who has an ownership or control interest in the vendor or who is an agent or managing employee. The commissioner shall terminate, refuse to enter into or renew an agreement with a vendor, except a vendor providing room and board and services pursuant to section 17b-340, if such convicted person has

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such interest or is such agent or employee. In the case of a vendor providing room and board and services pursuant to said section 17b-340, the commissioner may terminate, refuse to enter into or renew an agreement after consideration of any adverse impact on beneficiaries of such termination or refusal.

Sec. 74. Subsections (e) to (g), inclusive, of section 17b-359 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) In the case of a mentally ill resident who is determined under subsection (d) of this section not to require the level of services provided by a nursing facility but to require specialized services for mental illness and who has continuously resided in a nursing facility for at least thirty months before the date of the determination, the resident may elect to remain in the facility or to receive services covered by Medicaid in an alternative appropriate institutional or noninstitutional setting in accordance with the alternative disposition plan submitted by the Department of Social Services to the Secretary of the United States Department of Health and Human Services, and consistent with the Department of Mental Health and Addiction Services requirements for the provision of specialized services.

(f) In the case of a mentally ill resident who is determined under subsection (d) of this section not to require the level of services provided by a nursing facility but to require specialized services for mental illness and who has not continuously resided in a nursing facility for at least thirty months before the date of the determination, the nursing facility in consultation with the Department of Mental Health and Addiction Services shall arrange for the safe and orderly discharge of the resident from the facility. If the department determines that the provision of specialized services requires an alternate residential placement, the discharge and transfer of the resident shall be made in accordance with the alternative disposition

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plan submitted by the Department of Social Services and approved by the Secretary of the United States Department of Health and Human Services, except if an alternate residential placement is not available, the resident shall not be transferred.

(g) In the case of a resident who is determined under subsection (d) of this section not to require the level of services provided by a nursing facility and not to require specialized services, the nursing facility shall arrange for the safe and orderly discharge of the resident from the facility.

Sec. 75. Subsection (c) of section 17b-491 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Notwithstanding the provisions of subsection (a) of this section, effective September 15, 1991, payment by the state to a pharmacy under the program may be based on the price paid directly by a pharmacy to a pharmaceutical manufacturer for drugs dispensed under the program minus the copayment charge, plus the dispensing fee, if the direct price paid by the pharmacy is lower than the reasonable cost of such drugs.

Sec. 76. Subsection (c) of section 17b-497 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Any pharmacy found guilty of a violation under subsection (a) of this section shall be immediately terminated from participation in the program, and shall be liable to the state for five times the value of any material gain received.

Sec. 77. Subsection (b) of section 17b-853 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(b) With respect to proposed contracts for grants-in-aid made pursuant to subsection (a) [hereof] of this section, the Commissioner of Social Services shall review the program content of such proposals so as to determine whether they are designed to accomplish the purposes specified in this section and section 17b-852 and shall require audits in accordance with the provisions of sections 4-230 to 4-236, inclusive.

Sec. 78. Subsection (c) of section 18-101b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Any inmate requesting permission to remain in a correctional facility, as provided in subsection (a) of this section or any person requesting permission to remain in a program, as provided in subsection (b) of this section, shall submit such request, in writing, to the Commissioner of Correction not later than one week prior to [his] the scheduled date for the inmate's parole or discharge.

Sec. 79. Subsection (b) of section 19a-320 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Application for such approval shall be made in writing to the local authority specified in subsection (a) of this section and a hearing shall be held within the town, city or borough in which such location is situated within sixty-five days from the date of receipt of such application. Notice of such hearing shall be given to such applicant by mail, postage paid, to the address given on the application, and to the Commissioner of Public Health, and by publication twice in a newspaper having a substantial circulation in the town, city or borough at intervals of not less than two days, the first being not more than fifteen days nor less than ten days, and the second being not less than two days before such hearing. The local authority shall approve or deny such application within sixty-five days after such hearing,

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provided an extension of time not to exceed a further period of sixty-five days may be had with the consent of the applicant. The grounds for its action shall be stated in the records of the authority. Each applicant shall pay a fee of ten dollars, together with the costs of the publication of such notice and the reasonable expense of such hearing, to the treasurer of such town, city or borough.

Sec. 80. Subdivision (2) of subsection (b) of section 19a-512 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(2) Each such person applying on or after February 1, 1985, in addition to the requirements of subdivision (1) of this subsection, shall either (A) have a baccalaureate degree in any area and have completed a course in long-term care administration approved by the department, or (B) have a master's degree in long-term care administration or in a related health care field approved by the commissioner.

Sec. 81. Subsection (b) of section 19a-546 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) If the receiver is in possession of real estate or goods subject to a lease, mortgage or security interest which the receiver is permitted to avoid under subsection (a) of this section and if the real estate or goods are necessary for the continued operation of the facility under this section, the receiver may apply to the court to set a reasonable rental, price or rate of interest to be paid by the receiver during the duration of the receivership. The court shall hold a hearing not later than fifteen days after application is made. Any known owners of the property involved shall receive notice of such application from the receiver at least ten days prior to the hearing. Payment by the receiver of the amount determined by the court to be reasonable is a defense to any action against the receiver for payment or for possession of the goods

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or real estate subject to the lease, security interest or mortgage involved by any person who received such notice, but the payment does not relieve the owner of the facility of any liability for the difference between the amount paid by the receiver and the amount due under such lease, security interest or mortgage involved.

Sec. 82. Subdivision (1) of section 19a-600 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(1) "Counselor" means: (A) A psychiatrist, (B) a psychologist licensed under chapter 383, (C) a clinical social worker licensed under chapter 383b, (D) a marital and family therapist licensed under chapter 383a, (E) an ordained member of the clergy, (F) a physician assistant licensed under section 20-12b, (G) a nurse-midwife licensed under chapter 377, (H) a certified guidance counselor, (I) a registered professional nurse licensed under chapter 378, or (J) a practical nurse licensed under chapter 378.

Sec. 83. Subsection (f) of section 19a-639 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) In conducting its activities under this section [.] or section 19a-638₂ or under both sections, the office may hold hearings on applications of a similar nature at the same time.

Sec. 84. Subsection (c) of section 19a-639a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Each health care facility, institution or provider that proposes to purchase, lease or accept donation of a CT scanner, PET scanner, PET/CT scanner [.] or MRI scanner, cineangiography equipment or a linear accelerator shall be exempt from certificate of need review

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pursuant to sections 19a-638 and 19a-639 if such facility, institution or provider (1) provides to the office satisfactory evidence that it purchased or leased such equipment for under four hundred thousand dollars on or before July 1, 2005, and such equipment was in operation on or before July 1, 2006, or (2) obtained, on or before July 1, 2005, from the office, a certificate of need or a determination that a certificate of need was not required for the purchase, lease or donation acceptance of such equipment.

Sec. 85. Subdivision (1) of subsection (c) of section 20-206b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) (1) Notwithstanding the provisions of subsection (a) of this section, the department may issue a license to an applicant whose school of massage therapy does not satisfy the requirement of subparagraph (A) or (B) of subdivision (1) of said subsection (a), provided the school held, at the time of the applicant's graduation, a certificate issued by the Commissioner of Education pursuant to section 10-7b and provided the applicant graduated within thirty-three months of the date [said] such school first offered the curriculum completed by the applicant. No license shall be issued under this subsection to a graduate of a school that fails to apply for and obtain accreditation by [(1)] (A) an accrediting agency recognized by the United States Department of Education, or [(2)] (B) the Commission on Massage Therapy Accreditation within thirty-three months of the date [said] such school first offered the curriculum.

Sec. 86. Subdivision (3) of section 20-207 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(3) "Funeral directing" means the business, practice or profession, as commonly practiced, of (A) directing or supervising funerals, or

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providing funeral services; (B) handling or encasing or providing services for handling and encasing dead human bodies, otherwise than by embalming, for burial or disposal; (C) providing embalming services; (D) providing transportation, interment and disinterment of dead human bodies; (E) maintaining an establishment so located, constructed and equipped as to permit the decent and sanitary handling of dead human bodies, with suitable equipment in such establishment for such handling; [J] and (F) conducting an establishment from which funerals may be held.

Sec. 87. Subdivision (1) of subsection (d) of section 20-327b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) (1) The Commissioner of Consumer Protection, shall, by regulations adopted in accordance with the provisions of chapter 54, prescribe the form of the written residential disclosure report required by this section and sections 20-327c to 20-327e, inclusive. The regulations shall provide that the form include information concerning municipal assessments, including, but not limited to, sewer or water charges applicable to the property. Such information shall include: [(i)] (A) Whether such assessment is in effect and the amount of the assessment; [(ii)] (B) whether there is an assessment on the property that has not been paid, and if so, the amount of the unpaid assessment; and [(iii)] (C) to the extent of the seller's knowledge, whether there is reason to believe that the municipality may impose an assessment in the future.

Sec. 88. Section 20-329c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Except as provided in section 20-329b, no subdivision or lot, parcel, unit or interest in any subdivision shall in any way be offered or disposed of in this state by any person or broker until: (1) Such person

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or broker has appointed in writing the Secretary of the State and his or her successors in office to be such person's or broker's attorney, upon whom all process, in any action or proceeding against such person or broker, may be served. Such person or broker shall agree in such written appointment that any process against such person or broker which is served on the Secretary of the State shall be of the same legal force and validity as if served on such person or broker and that such appointment shall continue in force as long as any liability remains outstanding against such person or broker in this state. Such written appointment shall be acknowledged before an officer authorized to take acknowledgments of deeds and shall be filed in the office of the Secretary of the State, and copies certified by the Secretary of the State shall be sufficient evidence of such appointment and agreement; (2) such person or broker has posted with the commission such bond, in favor of the state, as the commission may require with surety in such amount as the commission may in its discretion determine. No bond which may be required under sections 20-329a to 20-329m, inclusive, shall be accepted for filing unless it is with a surety company authorized to do business in this state. Any person aggrieved by an act of the principal named in such bond in violation of the provisions of this chapter may proceed on such bond against the principal or surety therein, or both, to recover damages; and (3) [until] such person or broker has received a license under section 20-329f. Any person or broker violating the provisions of this section shall be fined not less than one thousand dollars and not more than five thousand dollars for each offense.

Sec. 89. Section 20-478 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to administer the provisions of sections 20-475 and 20-476. Such regulations shall include, but not be limited to,

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the following: (1) Standards for licensure of lead abatement contractors and lead consultant contractors; (2) passing scores for licensure examination of lead abatement contractors and lead consultant [contractor] contractors; and (3) standards for certification of lead consultants, lead abatement supervisors and lead abatement workers.

Sec. 90. Subsection (c) of section 21-80a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Notwithstanding the provisions of subsection (a) of this section, an owner may increase the rent of a resident if: (1) The condition complained of was caused by the lack of due care by the resident or another person in his household or a person on the premises with his consent; [or] (2) the owner has become liable for a substantial increase in property taxes, or a substantial increase in other maintenance or operating costs not associated with his complying with the complaint, not less than four months before the demand for an increase in rent, and the increase in rent does not exceed the prorated portion of the net increase in taxes or costs; [.] or (3) the owner in good faith is increasing the rent in a manner permitted by subdivision (5) of subsection (b) of section 21-80.

Sec. 91. Section 21a-16 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No person shall sell or offer for sale colored oleomargarine or colored margarine unless (1) such oleomargarine or margarine is packaged; (2) the net weight of the contents of any package sold at retail is one pound or less; (3) there appears on the label of the package the word "oleomargarine" or "margarine", in type or lettering at least as large as any other type or lettering on such label, and an accurate statement of all optional ingredients contained in such oleomargarine or margarine; [.] and (4) each separate part of the contents of the

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package is contained in a wrapper which bears the word "oleomargarine" or "margarine" in type or lettering not smaller than twenty-point type.

(b) No person shall sell or offer for sale any colored or uncolored oleomargarine or margarine in any manner other than by weight nor unless (1) the front of the package bears a definite statement of its true net weight; (2) the package is clearly labeled to indicate to the purchaser that the product is margarine or oleomargarine; [L] and (3) the package bears the name and address of the manufacturer, packer or distributor, and any other information required by federal law.

Sec. 92. Section 21a-25 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

No person shall make, sell, offer or expose for sale or exchange or solicit or receive any order for the sale or delivery within the state, or for delivery without the state for shipment into the state, of: (1) Any vinegar, as cider vinegar, not wholly produced from the juice of apples; (2) any vinegar or article sold or to be sold as vinegar, to which has been added any drug, or any hurtful or foreign substance, or any coloring matter, or any acid; [L] or (3) any vinegar not having an acetic acidity equivalent therein of not less than four per cent by weight of absolute acetic acid and, in case of cider vinegar, not less than one and six-tenths per cent by weight of cider vinegar solids upon full evaporation over boiling water. Any person who violates any provision of this section shall be fined not more than fifty dollars for a first offense, and for a subsequent offense shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both. The delivery of any of the above-mentioned articles upon an order solicited or received within the state shall be conclusive evidence that the order upon which such delivery was made was for such articles.

Sec. 93. Subsection (b) of section 21a-35 of the general statutes is

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repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any person desiring to obtain a vending machine operator's license shall apply to the commissioner, on forms which the commissioner shall provide, stating (1) [his] the applicant's name and address or the name and address of each partner, in case of a partnership, or of each principal officer and director, in case of a corporation; (2) the address of [his] the applicant's principal place of business; (3) the location of each commissary and other establishment, if any, where supplies are kept and where food or beverages are prepared; (4) the identity and form of the food or beverage to be sold or offered for sale in or supplied for vending machines; (5) the number and type of each vending machine which the applicant operates, replenishes or services; (6) a description of each motor vehicle in which the applicant transports food, beverages or supplies from a commissary to vending machines; [,] and (7) such other information as the commissioner may require.

Sec. 94. Subsection (a) of section 21a-38 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The commissioner may suspend or revoke any license issued under the provisions of section 21a-35 or 21a-36 for violation of the provisions of sections 21a-34 to 21a-45, inclusive, or any regulation adopted thereunder or for violation of any applicable municipal health ordinance or state or federal law or regulation. No such suspension or revocation shall take effect except upon notice to the licensee and hearing thereon. Notice shall be in writing, given by registered or certified mail, and shall state: (1) The condition or violation found; (2) the corrective action, if any, to be taken and the period of time within which such action must be taken; [,] and (3) that an opportunity for hearing will be provided upon written request filed within ten days

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after receipt of such notice.

Sec. 95. Section 21a-77 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person who violates any provision of sections 21a-73 to 21a-77, inclusive, shall be fined not more than two hundred dollars for the first offense [nor] and not more than one thousand dollars for each subsequent offense. Each violation with respect to all units of a particular consumer commodity on any single day shall be deemed a single offense.

Sec. 96. Subsection (c) of section 21a-96 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The complaint shall contain: (1) A particular description of the article, (2) the name of the place where the article is located, [and] (3) the name of the person in whose possession or custody the article was found, if such name is known to the person making the complaint or can be ascertained by reasonable effort, and (4) a statement as to the manner in which the article is adulterated or misbranded or the characteristics which render its distribution or sale illegal.

Sec. 97. Subsection (b) of section 21a-278 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any person who manufactures, distributes, sells, prescribes, dispenses, compounds, transports with the intent to sell or dispense, possesses with the intent to sell or dispense, offers, gives or administers to another person any narcotic substance, hallucinogenic substance other than marijuana, amphetamine-type substance, or one kilogram or more of a cannabis-type substance, except as authorized in this chapter, and who is not, at the time of such action, a drug-

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dependent person, for a first offense shall be imprisoned not less than five years [nor] or more than twenty years; and for each subsequent offense shall be imprisoned not less than ten years [nor] or more than twenty-five years. The execution of the mandatory minimum sentence imposed by the provisions of this subsection shall not be suspended, except the court may suspend the execution of such mandatory minimum sentence if at the time of the commission of the offense (1) such person was under the age of eighteen years, or (2) such person's mental capacity was significantly impaired, but not so impaired as to constitute a defense to prosecution.

Sec. 98. Section 22-205 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The following terms shall be construed in this part to have the following meanings, unless the context otherwise requires: (1) "Commissioner" means the Commissioner of Agriculture; (2) "consumer" means any person, other than a dealer, who purchases milk for consumption or use; (3) "cooperative marketing association" means a producer-owned and producer-controlled association or corporation of producers, organized under the cooperative laws of this state, or of any other state and authorized to do business in this state, and conforming to the requirements of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", and such association shall be governed by the applicable provisions of this part as to the prices at which it sells, markets or bargains to sell milk to dealers and others; (4) "dealer" means milk dealer, including any person, store, subdealer or producer-dealer, who purchases, receives, distributes or handles fluid milk or milk products for sale, but "dealer" does not include a producer who delivers milk to a dealer alone, retail raw milk producers, raw milk cheese manufacturers or a cooperative marketing association as herein defined. A cooperative marketing association, as defined in this section, shall be deemed a producer if

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such association sells milk to stores or consumers. It shall be deemed a dealer as to such operations and shall be governed by the provisions of this part applicable thereto; (5) "licensee" means a licensed dealer; (6) "marketing area" means any city, town, borough [,] or state, or two or more cities, towns, boroughs [,] or states, or parts thereof and territory contiguous thereto, so designated by the Commissioner of Agriculture and having reasonable uniformity or similarity of marketing conditions among producers or dealers; (7) "milk" means fluid milk and cream, all products defined in sections 22-127 and 22-133, fresh, sour or storage, skimmed milk, buttermilk and flavored milk or milk drink; and reference in this part to quantity of milk shall be construed to include its whole milk equivalent; (8) "person" means any individual, firm, corporation, limited liability company, partnership or association; (9) "producer" means a person producing milk and includes cooperative marketing associations; (10) "producer-dealer" means a dealer who is also a producer; (11) "store" means a grocery store, hotel, restaurant, drug store, dairy products store or any similar mercantile establishment which sells milk, except "store" does not include any establishment that sells milk only for consumption on the premises; (12) "subdealer" means any person, firm or corporation that sells fluid milk or milk products in their finished form for human consumption within the state to stores, other dealers or subdealers, restaurants, manufacturers or any place where the final sale of such fluid milk or milk products takes place in the same containers in which such person, firm or corporation purchased it from other dealers; (13) "cheese manufacturer" means any person, firm, corporation or dealer within the state that purchases fluid milk, or receives or handles fluid milk for the purpose of manufacturing cheese; (14) "yogurt manufacturer" means a milk dealer that purchases fluid milk or receives or handles fluid milk for the purpose of manufacturing yogurt for sale or distribution in the state; (15) "dry milk manufacturer" means any person, firm, corporation or dealer within the state who purchases fluid or dried milk, or receives or handles fluid or dried milk for the

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purpose of manufacturing or remanufacturing dry milk to be included or blended with fluid milk or be reconstituted into a milk product.

Sec. 99. Subsection (d) of section 22-344c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Any person keeping ten or more unneutered or unspayed dogs capable of breeding, in a location required to be licensed, after such license has been revoked or suspended as herein provided shall be fined not less than fifty dollars [nor] or more than one hundred dollars.

Sec. 100. Section 22-362 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person owning or having the custody of any dog which habitually goes out on any highway and growls, bites, or snaps at, or otherwise annoys, any person or domestic animal lawfully using such highway or chases or interferes with any motor vehicle so using such highway, shall be fined not less than twenty-five [nor] or more than fifty dollars or imprisoned not more than thirty days for the first offense or both and for each subsequent offense shall be fined not less than fifty [nor] dollars or more than one hundred dollars or imprisoned not more than sixty days or both.

Sec. 101. Section 22-391 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person who violates or refuses to comply with any provision of this chapter shall be fined not less than two hundred dollars [nor] or more than five hundred dollars for a first offense and not less than five hundred dollars [nor] or more than one thousand dollars for a second and each subsequent offense.

Sec. 102. Subsection (c) of section 22-413 of the general statutes is

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repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Any person violating any provision of this section shall be fined not less than one hundred dollars [nor] or more than five hundred dollars for each violation.

Sec. 103. Section 22-414 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Commissioner of Agriculture shall supervise commission sales stables where equines are sold at public auctions. Any person, firm or corporation engaged in the business of selling equines at auctions shall annually apply to the commissioner for a license upon a form to be prescribed by [him] the commissioner. The fee for a license to hold one public auction annually shall be fifteen dollars and the fee for a license to hold more than one public auction annually shall be fifty dollars. Each such license shall be issued for the period of one year from July first and may be revoked for cause. If, in the judgment of the commissioner, any provision of this section has been violated, [he] the commissioner shall send notice by registered or certified mail to the licensee, who shall be given a hearing, and, if violation is proven, [his] the licensee's license shall be revoked. All stables and sales rings shall be kept clean and shall be suitably disinfected prior to each sale. The provisions of this section shall not apply to the private sale of equines conducted by the owner thereof. Any person, or any officer or agent of any corporation, who violates any provision of this section or who obstructs or attempts to obstruct the Commissioner of Agriculture or [his] the commissioner's deputy or any of [his] the commissioner's assistants in the performance of [his] the commissioner's duty shall be fined not less than one hundred dollars [nor] or more than five hundred dollars.

Sec. 104. Section 22-415 of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective from passage*):

Any person who carries or causes to be carried or has the care of any equine in or attached to any vehicle or otherwise in an unnecessarily cruel or inhumane manner, or in a way and manner which might endanger the equine or knowingly and wilfully authorizes or permits such equine to be subjected to unnecessary torture, suffering or cruelty of any kind in the transporting of such equine, shall be punished by a fine of not less than one hundred dollars [nor] or more than five hundred dollars. The Commissioner of Agriculture shall adopt regulations pursuant to chapter 54 pertaining to the transportation of equines upon the highways of Connecticut as deemed necessary to prevent the cruel or inhumane treatment of equines.

Sec. 105. Subsection (d) of section 22a-6b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) The person to whom the notice is addressed shall have thirty days from the date of receipt of the notice in which to deliver to the commissioner written application for a hearing. If a hearing is requested then, after a hearing and upon a finding that a violation has occurred, the commissioner may issue a final order assessing a civil penalty under this section which is not greater than the penalty stated in the notice. The commissioner may amend a notice of assessment at any time before such notice becomes final, provided the person to whom the notice is addressed shall have thirty days from the date of receipt of such amendment in which to deliver to the commissioner a written application for a hearing on such amendment, and provided further the commissioner may amend a notice of assessment after a hearing has begun only with the permission of the hearing officer. If such a hearing is not so requested, or if such a request is later withdrawn, then the notice shall, on the first day after the expiration of

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such twenty-day period or on the first day after the withdrawal of such request for hearing, whichever is later, become a final order of the commissioner and the matters asserted or charged in the notice shall be deemed admitted unless modified by consent order, which shall be a final order. Any civil penalty may be mitigated by the commissioner upon such terms and conditions as [he] the commissioner in [his] the commissioner's discretion deems proper or necessary upon consideration of the factors set forth in subsection (b) [hereof] of this section.

Sec. 106. Subsection (b) of section 22a-63 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any private applicator or other person, not included in subsection (a) of this section, who knowingly violates any provision of this chapter, subsection (a) of section 23-61a or section 23-61b, shall be fined not more than one thousand dollars, or imprisoned for not more than thirty days, or both.

Sec. 107. Subsection (c) of section 22a-66a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) On or after the adoption of regulations pursuant to subsection (g) of this section, any person making an outdoor application of a pesticide within one hundred yards of any property line shall at the time of application post a sign notifying the public of the application at any conspicuous point of entry. A commercial pesticide applicator making an application shall post a sign every one hundred fifty feet of road frontage of treated property notifying the public of such application. Any sign posted pursuant to this subsection shall comply with the requirements adopted pursuant to subsection (g) of this section. The provisions of this subsection shall not apply to (1)

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noncommercial applications to an area less than one hundred square feet or to a fenced area, or (2) applications on land that produces agricultural commodities from which gross sales in excess of one thousand dollars were realized or can reasonably be expected to be realized during any calendar year.

Sec. 108. Subsections (f) and (g) of section 22a-66a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) On or after the adoption of regulations pursuant to subsection (g) of this section, any wholesaler or distributor selling pesticides to retail establishments shall make available to the owners of such retail establishments signs for notification of a pesticide application. Such owner shall provide a sign to any purchaser of a pesticide requiring the posting of a sign pursuant to subsection (c) of this section and shall display, at the point of sale, notice of the requirements for signs pursuant to [said] subsection (c) of this section.

(g) On or before October 1, 1989, the commissioner shall adopt regulations, in accordance with the provisions of chapter 54, establishing (1) specifications for signs required pursuant to subsections (c) and (e) of this section and provisions for posting of signs in retail establishments, and (2) procedures for compilation and maintenance of the registry required pursuant to subsection (b) of this section.

Sec. 109. Subsection (c) of section 22a-113k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Any two or more municipalities whose common boundaries lie within navigable waters, as defined in subsection (b) of section 15-3a, may by concurrent ordinances of their legislative bodies establish one

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or more harbor management commissions. Each such commission shall consist of an equal number of members from each municipality constituted pursuant to subsection (a) of this section. Any municipality that is a member of a commission may, by vote of its legislative body, elect to withdraw from a commission.

Sec. 110. Subsection (c) of section 22a-134i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Each time a seller conveys to a purchaser a unit in a common interest community that is an establishment, the seller shall provide a notice to the purchaser that summarizes (1) the status of the environmental condition of the common interest community, (2) any investigation or remediation activities, and (3) any environmental land use restrictions. Such notice requirement applies to all such conveyances, including those conveyances otherwise excepted from the requirement for delivery of a public offering statement or of a resale certificate under subsection (b) of section 47-262 and section 47-270.

Sec. 111. Subsection (b) of section 22a-155 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any final order entered in any proceeding under subsection (a) [above] of this section shall be subject to judicial review by the Superior Court in the manner prescribed in section 25-36.

Sec. 112. Subsection (c) of section 22a-208i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The provisions of subsection (a) of this section exempting facilities composting leaves and the provisions of subsection (b) of this

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section exempting recycling facilities from the requirements of section 22a-208a shall not be construed to relieve such facilities from the obligation to comply with any other provision of this chapter or chapter 446e, including, but not limited to, operational requirements and other applicable requirements of regulations adopted under section 22a-209.

Sec. 113. Subsection (d) of section 22a-232 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Any person or municipality liable for the service fee for solid waste delivered to a facility whose owner is subject to the assessment imposed by subsection (a) of this section shall reimburse the owner for any assessment paid for the solid waste delivered by such person or municipality. The assessment shall be a debt from the person or municipality responsible for paying such service fee to the owner.

Sec. 114. Subsection (h) of section 22a-285g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(h) Not more than sixty days after a request for arbitration is submitted to the council by the applicant pursuant to subsection (g) of this section, the parties shall submit their final offers. A final offer of the committee shall be approved by the chief elected official of each municipality in which the ash residue disposal area is located. Failure by either party to submit a final offer shall constitute a default under subsection (e) of this section. A final offer may include issues subject to arbitration and offered in negotiation but shall not include items to which the parties have agreed. The applicant or the committee shall not submit for arbitration any issue or proposal that was not presented during the negotiation process unless both parties agree to the submittal. Not more than thirty days after the last day for submitting

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final offers, the council shall conduct a hearing at which the parties shall explain or present supporting arguments for their final offers. Negotiation may continue during arbitration.

Sec. 115. Subsection (b) of section 22a-348 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Notwithstanding the provisions of subsection (a) of this section, any town, city or borough may establish such lines at any time to comply with the eligibility provisions of the National Flood Insurance Program (44 CFR Part 59 et seq.).

Sec. 116. Subsection (f) of section 22a-452a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) Except as provided in subsection (a) of this section, such lien shall take precedence over all transfers and encumbrances recorded on or after June 3, 1985, in any manner affecting such interest in such real estate or any part of it on which the spill occurred or from which the spill emanated, or real estate which has been included, within the preceding three years, in the property description of such real estate and is contiguous to such real estate. This subsection shall not apply to real estate which consists exclusively of residential real estate, including, but not limited to, residential units in any common interest community, as defined in section 47-202.

Sec. 117. Subdivision (2) of subsection (a) of section 22a-500 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(2) "Bonds" [mean] means any bonds, notes and other obligations issued by an authority pursuant to the provisions of section 22a-507 and any bonds issued to refund such bonds.

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Sec. 118. Subsection (c) of section 23-46 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Any person who violates the provisions of subsection (a) of this section or who fails to comply with any order issued under the provisions of subsection (b) of this section shall be fined not more than one hundred dollars or shall be liable to the state for any expense not exceeding one hundred dollars caused by the removal of such cut brush, tree-growth or inflammable material.

Sec. 119. Subdivision (3) of subsection (c) of section 25-33k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(3) The Commissioner of Public Health shall grant a permit upon a finding that any groundwater source with a safe yield of more than 0.75 millions of gallons per day, any reservoir with a safe yield of more than 0.75 millions of gallons per day, any reservoir system with a safe yield of more than 0.75 millions of gallons per day, or any individual source within a reservoir system when such system has a safe yield of more than 0.75 millions of gallons per day is of a size or condition that makes it unsuitable for present or future use as a drinking water supply by the water company, other entity or the state. In making a decision, the commissioner shall consider the general utility of the source and the viability for use to meet water supply needs. The commissioner shall consider any public water supply plans filed and approved pursuant to sections 25-32d and 25-33h, and any other water system plan approved by the commissioner, and the efficient and effective development of public water supply in the state. In assessing the general utility of the source, the commissioner shall consider factors including, but not limited to, [(1)] (A) the safe yield of the source, [(2)] (B) the location of the source relative to other public water supply systems, [(3)] (C) the water quality of the source and the

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potential for treatment, [(4)] (D) water quality compatibility between systems and interconnections, [(5)] (E) extent of water company-owned lands for source protection of the supply, [(6)] (F) types of land uses and land use controls in the aquifer protection area or watershed and their potential impact on water quality of the source, and [(7)] (G) physical limitations to water service, system hydraulics and topography.

Sec. 120. Section 25-80 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Commissioner of Environmental Protection is authorized to give assurances satisfactory to the Secretary of the Army as provided in Section 701c, Chapter 15, Title 33 of the United States Code Annotated that the state will [(a)] (1) provide without cost to the United States all lands, easements and rights-of-way necessary for the construction of any flood control project and pay for the cost of acquisition of earthen material required for the construction of such project; [(b)] (2) hold and save the United States free from damages due to the construction works, and [(c)] (3) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of the Army. Said commissioner, in the name of the state, may purchase land or any interest therein, or take the same by right of eminent domain in the manner provided in section 48-12 for the purposes enumerated in subdivision [(a) hereof] (1) of this section. Said commissioner, with the advice and consent of the Secretary of the Office of Policy and Management, may sell, convey or enter into agreements with persons, firms or corporations or other state agencies for the exchange of any such lands, buildings, easements, rights-of-way or any other property interest real or personal acquired in carrying out the purposes of subdivision [(a) hereof] (1) of this section for the most appropriate and efficient use and development of such lands, provided any such sale, conveyance or agreement is in no way

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contrary to the purposes of [said] subdivision [(a)] (1) of this section.

Sec. 121. Subsection (b) of section 25-102d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The commissions of the respective towns referred to in subsection (a) [above] of this section shall study the standards so established and shall, within ninety days of such submission, file with the town clerk of the town which they serve, for submission to its legislative body, recommendations as to whether such town should vote to be governed by the provisions of sections 25-102g, 25-102h and 25-102j. Failure of a commission to make such recommendations within the time limited therefor shall be deemed a recommendation that the town should vote to be so governed. Within thirty days after April 22, 1974, the clerk of any such town which has not previously voted to be governed by the provisions of this chapter, shall call a meeting of its legislative body at the earliest legal date, which may be the annual or a regular or special meeting of such body, at which meeting, such legislative body shall vote as to whether such town shall be governed by the provisions of [said] sections 25-102g, 25-102h and 25-102j and the town clerk of such town shall report the result of such vote to the Commissioner of Environmental Protection for transmittal to the Connecticut River Gateway Committee.

Sec. 122. Subsection (a) of section 25-129 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Consumer Protection, with the advice and assistance of the board, shall establish the requirements of registration for well drilling contractors. Each person, before engaging in the business of well drilling or pump installing, shall obtain annually from the Department of Consumer Protection a certificate of registration as a

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well drilling contractor, using an application blank prepared by said department. Each application for issuance or renewal of a certificate of registration shall be accompanied by a certificate of liability coverage for bodily injury of at least one hundred thousand dollars per person with an aggregate of at least three hundred thousand dollars and for property damage of at least fifty thousand dollars per accident with an aggregate of at least one hundred thousand dollars. The applicant shall pay a registration fee of forty-four dollars with [his] the application and an annual renewal registration fee of one hundred twenty-five dollars for renewals on and after April 1, 1984. A certificate of registration is not transferable and expires annually. A lost, destroyed or mutilated registration certificate may be replaced by a duplicate upon payment of a lost fee of three dollars. One seal shall be issued to each registrant as provided in subsection (b) of this section. Additional seals may be obtained at a fee of three dollars each.

Sec. 123. Section 26-81 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person who violates any provision of this part for which no other penalty is provided shall be fined not less than ten dollars [nor] or more than two hundred dollars or imprisoned not more than sixty days or be both fined and imprisoned.

Sec. 124. Section 26-87 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The commissioner may authorize [his] the commissioner's conservation officers or other agents to take rabbits by the use of ferrets for the purpose of restocking and redistribution. Any person who takes any rabbit by the use of a ferret, except as authorized in this section, shall be fined not less than ten dollars [nor] or more than fifty dollars or imprisoned not more than thirty days or be both fined and imprisoned, and the possession of each rabbit taken by the use of a

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ferret, except as so authorized, shall constitute a separate offense.

Sec. 125. Section 26-97 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person who kills any game bird within the limits of the Westport Fire District in the town of Westport shall be fined not less than one dollar [nor] or more than fifty dollars.

Sec. 126. Section 26-226 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person who wilfully injures any oyster enclosure legally designated, marked out and enclosed or removes any buoys or stakes used to mark out any oyster ground, or who takes any shells from such enclosure, shall be fined not more than fifty dollars or imprisoned not more than thirty days; on a second conviction, [he] the person shall be fined not less than fifty dollars [nor] or more than one hundred dollars and imprisoned not less than thirty days [nor] or more than ninety days, and, on each subsequent conviction, [he] the person shall be fined one hundred fifty dollars and imprisoned not more than six months.

Sec. 127. Subsection (b) of section 27-196 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) A copy of the record of the proceedings of each general and special court-martial shall be given to the accused as soon as it is authenticated. If a verbatim record of trial by general court-martial is not required by subsection (a) of this section, but has been made, the accused may buy such record under such regulations as the Governor may prescribe.

Sec. 128. Subsection (b) of section 27-207 of the general statutes is

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repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) In all other cases not covered by subsection (a) of this section, if the sentence of a special court-martial as approved by the convening authority includes a bad-conduct discharge, whether or not suspended, the entire record shall be sent to the appropriate staff judge advocate or legal officer of the state force concerned to be reviewed in the same manner as a record of trial by general court-martial. The record and the opinion of the staff judge advocate or legal officer shall then be sent to the State Judge Advocate for review.

Sec. 129. Subsection (d) of section 27-207 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) The State Judge Advocate shall review the record of trial in each case sent to him or her for review as provided under subsection (b) of this section. If the final action of the court-martial has resulted in an acquittal of all charges and specifications, the opinion of the State Judge Advocate is limited to questions of jurisdiction.

Sec. 130. Subsection (b) of section 27-242 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any person subject to this code who: (1) Fails to carry out the duties prescribed in subsection (a) of this section; (2) buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby [he] the person receives or expects any profit, benefit, or advantage to [himself] the person or another directly or indirectly connected with [himself] the person; [,] or (3) engages in looting or pillaging shall be punished as a court-martial may direct.

Sec. 131. Subsection (a) of section 28-9d of the general statutes is

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repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Whenever the President, at the request of the Governor, has declared a disaster to exist in this state, the Governor is authorized: (1) Upon [his] the Governor's determination that financial assistance is essential to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by such disaster that cannot be otherwise adequately met from other means of assistance, to accept a grant by the federal government to fund such financial assistance, subject to such terms and conditions as may be imposed upon the grant; (2) to enter into an agreement with the federal government, or any officer or agency thereof, pledging the state to participate in the funding of the financial assistance authorized in subdivision (1) of this subsection, in an amount not to exceed twenty-five per cent thereof and, if state funds are not otherwise available to the Governor, to accept an advance of the state share from the federal government to be repaid when the state is able to do so.

Sec. 132. Subsection (b) of section 28-13 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any person, corporation, partnership or association who denies access to property owned or under the control of such entity to any person acting in accordance with this chapter during a civil preparedness emergency [,] shall be fined not less than fifty dollars [nor] or more than five hundred dollars.

Sec. 133. Subsection (b) of section 29-36g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) With respect to any application for an eligibility certificate

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filed with the Commissioner of Public Safety on or before July 1, 1995, the commissioner shall, not later than October 1, 1995, [(1)] (A) approve the application and issue the eligibility certificate, [(2)] (B) issue a temporary eligibility certificate, or [(3)] (C) deny the application and notify the applicant of the reason for such denial in writing.

(2) With respect to any application for an eligibility certificate filed with the Commissioner of Public Safety after July 1, 1995, the commissioner shall, within ninety days, [(1)] (A) approve the application and issue the eligibility certificate, [(2)] (B) issue a temporary eligibility certificate, or [(3)] (C) deny the application and notify the applicant of the reason for such denial in writing.

(3) A temporary certificate issued under this subsection shall be valid until such time as the commissioner either approves or denies the application.

Sec. 134. Subsection (b) of section 29-37 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any person violating any provision of subsection (a) of section 29-35 may be fined not more than one thousand dollars and shall be imprisoned not less than one year [nor] or more than five years, and, in the absence of any mitigating circumstances as determined by the court, one year of the sentence imposed may not be suspended or reduced by the court. The court shall specifically state the mitigating circumstances, or the absence thereof, in writing for the record. Any pistol or revolver found in the possession of any person in violation of any provision of subsection (a) of section 29-35 shall be forfeited.

Sec. 135. Subsection (b) of section 29-143t of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(b) The cost of any physical examination required by this chapter or regulations adopted under this chapter, other than an examination required by subsection (a) of this section, may be assessed by the commissioner on any boxer examined by a physician appointed by the commissioner or on the person, club, corporation or association conducting the next boxing match in which the contestant is scheduled to compete.

Sec. 136. Section 29-210 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person who violates any of the provisions of this chapter or any of the regulations adopted hereunder shall, for the first offense, be fined not less than twenty-five dollars [nor] or more than one hundred dollars, and for each subsequent offense, shall be guilty of a class C misdemeanor.

Sec. 137. Section 29-254a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person who violates any provision of the State Building Code shall be fined not less than two hundred [nor] dollars or more than one thousand dollars or imprisoned not more than six months, or both.

Sec. 138. Section 29-295 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person who violates any provision of the Fire Safety Code shall be fined not less than two hundred [nor] dollars or more than one thousand dollars or imprisoned not more than six months, or both.

Sec. 139. Subsection (a) of section 29-298 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(a) The State Fire Marshal and the Codes and Standards Committee, acting jointly, shall adopt minimum standards of qualification for local fire marshals, deputy fire marshals, fire inspectors and such other classes of inspectors and investigators as they deem necessary. The State Fire Marshal and the Codes and Standards Committee shall (1) prepare and conduct oral, written or practical examinations to determine if a person is qualified and eligible to be certified, or (2) accept successful completion of programs of training developed by public agencies and approved by [him] them as proof of qualification for certification eligibility, or (3) prepare and conduct a training program, the successful completion of which shall qualify a person to be certified. Upon determination of the qualification of a local fire official under subdivision (1), (2) or (3) of this subsection, the State Fire Marshal and the Codes and Standards Committee shall issue or cause to be issued a certificate to such person stating that [he] the person is eligible to be certified. The State Fire Marshal and the Codes and Standards Committee shall establish classes of certification that will recognize the varying involvements of such local fire officials. Local fire marshals, deputy fire marshals, fire inspectors and other inspectors or investigators holding office in any municipality shall be certified in accordance with subdivision (1), (2) or (3) of this subsection. On or after October 1, 1979, no local fire marshal, deputy fire marshal, fire inspector or other inspector or investigator shall be appointed or hired unless such person is certified and any such person shall be removed from office if [he] such person fails to maintain [his] certification. The State Fire Marshal and the Codes and Standards Committee shall conduct educational programs designed to assist such local fire officials in carrying out the duties and responsibilities of their office. Such educational programs for local fire marshals, deputy fire marshals and fire inspectors shall be in addition to the programs specified under subdivisions (2) and (3) of this subsection and shall consist of not less than ninety hours of training over a three-year period. The State Fire Marshal and the Codes and Standards

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Committee shall establish the minimum hours of training for the other classes of inspectors and investigators, which shall recognize the varying involvements of such officials. Each local fire official shall attend such training programs or other approved programs of training and present proof of successful completion to the State Fire Marshal. The State Fire Marshal may, after notice and opportunity for hearing, revoke any certificate issued under the provisions of this subsection for failure on the part of a local fire official to present such proof.

Sec. 140. Section 29-335 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person who, by himself or herself or [his] by such person's employee or agent, or as the employee or agent of another, violates or fails to comply with any regulation promulgated under section 29-331, or who operates or permits the operation of a motor vehicle in violation of section 29-332, shall be fined not more than five hundred dollars or imprisoned not more than six months, or both, for the first offense, and not less than five hundred dollars [nor] or more than one thousand dollars or imprisoned not more than one year, or both, for each subsequent offense. If death or injury results from any such violation, the fine shall be not more than ten thousand dollars and the period of imprisonment not more than ten years, or both.

Sec. 141. Section 29-341 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person who, by himself or herself or [his] by such person's employee or agent, or as the employee or agent of another, violates or fails to comply with any regulation promulgated under section 29-337, or who operates or permits the operation of a motor vehicle in violation of section 29-339, shall be fined not more than five hundred dollars for the first offense, and be fined not less than one thousand dollars [nor] or more than two thousand dollars or imprisoned not

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more than six months, or both, for each subsequent offense. If death or injury results from any such violation, the fine shall be not more than ten thousand dollars and the period of imprisonment not more than ten years, or both.

Sec. 142. Subsection (b) of section 31-12 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) If the Labor Commissioner finds, upon application of an employer, that an emergency exists or that seasonal or peak demand places an unusual and temporary burden upon any manufacturing or mechanical establishment, any such person may be employed in such establishment not more than ten hours in any day [nor] and not more than fifty-five hours in any calendar week, but the total number of weeks of any such employment in any twelve consecutive months shall not exceed twelve.

Sec. 143. Subsection (b) of section 31-13 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) If the Labor Commissioner finds, upon application of an employer, that an emergency exists or that seasonal or peak demand places an unusual and temporary burden upon any mercantile establishment, any such person may be employed in such establishment not more than ten hours in any day [nor] and not more than fifty-two hours in any calendar week, but the total number of weeks of any such employment in any twelve months shall not exceed eight.

Sec. 144. Section 31-15a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any employer, officer, agent or other person who violates any

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provision of section 31-12, 31-13 or 31-14, subsection (a) of section 31-15 or section 31-18, 31-23 or 31-24 shall be fined not less than two thousand ~~[nor] dollars or~~ more than five thousand dollars or imprisoned not more than five years, or both, for each offense.

Sec. 145. Subsection (d) of section 31-225a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) The standard rate of contributions shall be five and four-tenths per cent. Each employer who has not been chargeable with benefits, for a sufficient period of time to have his rate computed under this section shall pay contributions at a rate that is the higher of [(a)] (1) one per cent, or [(b)] (2) the state's five-year benefit cost rate. For purposes of this subsection, the state's five-year benefit cost rate shall be computed annually on or before June thirtieth and shall be derived by dividing the total dollar amount of benefits paid to claimants under this chapter during the five consecutive calendar years immediately preceding the computation date by the five-year payroll during the same period. If the resulting quotient is not an exact multiple of one-tenth of one per cent, the five-year benefit cost rate shall be the next higher such multiple.

Sec. 146. Subsection (a) of section 33-281c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) In the administration of any trust which is a "private foundation", as defined in Section 509 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, a "charitable trust", as defined in Section 4947(a)(1) of said code, or a "split-interest trust", as defined in Section 4947(a)(2) of said code, the following acts shall be prohibited during the period while it is such a private foundation,

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charitable trust or split-interest trust: (A) Engaging in any act of "self-dealing", as defined in Section 4941(d) of said code; (B) retaining any "excess business holdings", as defined in Section 4943(c) of said code; (C) making any investments which would jeopardize the carrying out of any of the exempt purposes of the trust, within the meaning of Section 4944 of said code, so as to give rise to any liability for tax imposed on such trust by Section 4944 of said code; or (D) making any "taxable expenditures", as defined in Section 4945(d) of said code; provided no prohibition otherwise imposed by this subsection shall apply to any split-interest trust or to any amount thereof to the extent such trust or amount is not subject, by reason of any of the provisions of Section 4947 of said code, to a prohibition otherwise applicable to private foundations. (2) In the administration of any trust which is a private foundation or a charitable trust, as defined in subdivision (1) of this subsection, during the period while it is such a foundation or trust, amounts shall be distributed for the purposes specified in the trust instrument, in such manner and at such times as are at least sufficient to avoid liability for the tax imposed by Section 4942 of said code. (3) All references in this section to sections of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, are to such sections as amended and in effect on May 21, 1971, and shall include future amendments to such sections and corresponding provisions of future federal internal revenue laws.

Sec. 147. Subsection (e) of section 33-1003 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) Except as provided in subsection (c) of this section, written notice, if in a comprehensible form, is effective at the earliest of the following: (1) When received; (2) five days after its deposit in the United States mail, if mailed postage prepaid and correctly addressed;

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or (3) on the date shown on the return receipt, if sent by registered or certified mail or a commercial delivery service, return receipt requested, and the receipt is signed by or on behalf of the addressee.

Sec. 148. Subsection (d) of section 33-1074 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Where subsection (c) of this section is not applicable, if a quorum exists, action on a matter, other than the election of directors, by the members entitled to vote thereon, or by the members of any particular class entitled to vote thereon as a class, is approved if the votes cast by such members voting, or by the members of such class voting, favoring the action exceed the votes cast by such members, or by the members of such a class, opposing the action, unless the certificate of incorporation requires a greater vote.

Sec. 149. Subdivision (6) of section 33-1116 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(6) "Party" means an individual who was, is, or is threatened to be made, a defendant or respondent in a proceeding.

Sec. 150. Section 34-19 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in subsection (b) of this section, a person who makes a contribution to a business enterprise and erroneously but in good faith believes that [he] such person has become a limited partner in the enterprise is not a general partner in the enterprise and is not bound by its obligations by reason of making the contributions, receiving distributions from the enterprise or exercising any rights of a limited partner, if, on ascertaining the mistake, [he] the person:

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(1) Causes an appropriate certificate of limited partnership or a certificate of amendment to be executed and filed; or

(2) Withdraws from future equity participation in the enterprise by executing and filing in the office of the Secretary of the State a certificate declaring withdrawal under this section.

(b) A person who makes a contribution of the kind described in subsection (a) of this section is liable as a general partner to any third party who transacts business with the enterprise [(i)] (1) before the person withdraws and an appropriate certificate is filed to show withdrawal, or [(ii)] (2) before an appropriate certificate is filed to show that [he] the person is not a general partner, but in either case only if the third party actually believed in good faith that the person was a general partner at the time of the transaction.

Sec. 151. Subsection (e) of section 34-302 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) Except as otherwise provided in subsection (f) of this section, a person other than an individual knows, has notice or receives a notification of a fact for purposes of a particular transaction when the individual conducting the transaction knows, has notice or receives a notification of the fact, or in any event when the fact would have been brought to the individual's attention if the person had exercised reasonable diligence. The person exercises reasonable diligence if [it] the person maintains reasonable routines for communicating significant information to the individual conducting the transaction and there is reasonable compliance with the routines. Reasonable diligence does not require an individual acting for the person to communicate information unless the communication is part of the individual's regular duties or the individual has reason to know of the transaction and that the transaction would be materially affected by

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the information.

Sec. 152. Subsection (e) of section 36a-82 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) If, in the opinion of the commissioner, the name selected will tend to confuse the public or if such objection is filed, the commissioner shall order a hearing to be held not less than twenty [nor] days or more than thirty days from the date originally set for the filing of objections to the application for change of name, and notice of such hearing shall be sent by the applicant to each bank and out-of-state bank as provided in subsection (c) of this section at least fourteen days prior to the hearing. At the hearing, the commissioner shall hear all persons desiring to be heard and shall make a ruling within fifteen days. If the application is approved, the approval shall be filed and shall be effective as provided in subsection (d) of this section.

Sec. 153. Subsection (c) of section 36a-563 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Notwithstanding the requirement in subsection (a) of this section, a borrower and licensee may agree that the first installment due date may be not more than fifteen days more than one month, and the charge for each day in excess of one month shall be one-thirtieth of the portion of the charges applicable to a first installment period of one month. The charges for the extra days shall be added to the first installment, but shall be excluded in computing deferment charges and refunds. When a loan contract provides for extra days in a first installment period, for the purposes of sections 36a-555 to 36a-573, inclusive, such extra days shall be treated as the first days in the first installment period and the due dates of the remaining installments shall be calculated from the due date of such first installment.

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Sec. 154. Subsection (e) of section 36a-563 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) If, as of an installment due date, the payment date of all wholly unpaid installments is deferred one or more full months and the maturity of the contract is extended for a corresponding period, the licensee may charge and collect a deferment charge not exceeding the charge applicable to the first of the installments deferred, multiplied by the number of months in the deferment period. The deferment period is that period during which no payment is made or required by reason of such deferment, except that no deferment made pursuant to this subsection shall extend the maturity of any contract made under sections 36a-555 to 36a-573, inclusive, for more than (1) three months, for loans originally repayable in twenty-four months or less, (2) five months, for loans originally repayable in more than twenty-four months but not more than forty-eight months, and (3) eight months, for loans originally repayable in more than forty-eight months. The deferment charge may be collected at the time of deferment or at any time thereafter. The portion of the charges contracted for under subsection (a) of this section applicable to each deferred balance and installment period following the deferment period shall remain the same as that applicable to such balance and period under the original contract of loan. No installment on which a default charge has been collected, or on account of which any partial payment has been made, shall be deferred or included in the computation of the deferment charge unless such default charge or partial payment is refunded to the borrower or credited to the deferment charge. Any payment received at the time of deferment may be applied first to the deferment charge and the remainder, if any, applied to the unpaid balance of the contract, but if such payment is sufficient to pay, in addition to the appropriate deferment charge, any installment which is in default and the applicable default charge, it shall be first so applied and any such

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installment shall not be deferred or subject to the deferment charge. If a loan is prepaid in full during the deferment period, the borrower shall receive, in addition to the refund required under subsection (f) of this section, a refund of that portion of the deferment charge applicable to any unexpired full month or months of such deferment period.

Sec. 155. Subsection (a) of section 36b-24 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Neither (1) the fact that an application for registration under sections 36b-6 to 36b-15, inclusive, or a registration statement under sections 36b-16 to 36b-20, inclusive, has been filed, [or] nor (2) the fact that a person or security is effectively registered constitutes a finding by the commissioner that any document filed under sections 36b-2 to 36b-33, inclusive, is true, complete and not misleading. Neither any such fact nor the fact that an exemption or exception is available for security or a transaction means that the commissioner has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, security or transaction.

Sec. 156. Subsection (c) of section 38a-478l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) With respect to mental health services, the consumer report card shall include information or measures with respect to the percentage of enrollees receiving mental health services, utilization of mental health and chemical dependence services, inpatient and outpatient admissions, discharge rates and average lengths of stay. Such data shall be collected in a manner consistent with the [Natural] National Committee for Quality Assurance Health Plan Employer Data and Information Set (HEDIS) measures.

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Sec. 157. Subdivision (2) of subsection (1) of section 38a-479bb of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(2) If the managed care organization determines that the preferred provider network's provider network is not adequate and must be increased, the managed care organization shall provide written notice of the determination to the commissioner. Such notice shall describe [(1)] (A) any plan in place for the preferred provider network to increase its provider network, and [(2)] (B) the managed care organization's contingency plan in the event the preferred provider network does not satisfactorily increase its provider network.

Sec. 158. Subsection (a) of section 38a-718 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section [(A)] (1) "bank holding company" shall have the same meaning as that contained in section 36-419; [(B)] and (2) "lending institution" shall include, but shall not be limited to, banks, savings and loan associations and credit unions.

Sec. 159. Subparagraph (F) of subdivision (2) of section 38a-962 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(F) The insurer, by contract or otherwise, has unlawfully or has in violation of an order of the commissioner or has without first having obtained written approval of the commissioner if approval is required by law: [(A)] (i) Totally reinsured its entire outstanding business, or [(B)] (ii) merged or consolidated substantially its entire property or business with another insurer.

Sec. 160. Subsection (e) of section 42-116aa of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from*

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passage):

(e) Any person who violates subsection (b) of this section shall be subject to a civil penalty of not less than five thousand dollars [nor] or more than fifteen thousand dollars per violation, which shall be in addition to any other relief which may be granted under subsection (d) of this section. Each performance or production prohibited under subsection (b) of this section shall constitute a separate violation.

Sec. 161. Subsection (e) of section 45a-63 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) The council shall, not later than three business days after the termination of such investigation, notify the complainant and the judge that the investigation has been terminated and whether probable cause has been found that judicial misconduct under subsection (a) of this section has been committed. If the council finds that judicial misconduct under subsection (a) of this section has not been committed, but the judge has acted in a manner which gives the appearance of impropriety or constitutes an unfavorable judicial practice, the council may issue a private admonishment to the judge recommending a change in judicial conduct or practice.

Sec. 162. Subsection (b) of section 45a-260 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Unless the testator's will provides otherwise, property devised or bequeathed to a trust described in subsection (a) of this section is not held under a testamentary trust of the testator but [it] becomes a part of the trust to which it is devised or bequeathed, and shall be administered and disposed of in accordance with the provisions of the governing instrument setting forth the terms of the trust, including any

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amendments thereto made before or after the testator's death.

Sec. 163. Subsection (a) of section 45a-395 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Court of Probate may order the citation of the creditors of the deceased whose estate is in settlement before it to bring in their claims against such estate within such time, not more than twelve months [nor] or less than three months, from the date of such order, as it limits, by publishing a notice to that effect in a newspaper having a circulation in the probate district in which such estate is in settlement and by such further notice as the court deems necessary.

Sec. 164. Subsection (f) of section 45a-579 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) In a case in which the estate of a decedent receives a settlement in a wrongful death action and a beneficiary of the estate dies intestate within seven months of the prior decedent, and such beneficiary's estate receives some part of such settlement, subsection (d) of this section shall be waived, and the interest of the beneficiary may be disclaimed without being subject to a nine-month disclaimer period, provided such disclaimer is made on or before December 1, 1997.

Sec. 165. Section 45a-729 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person who places a child for adoption in violation of section 45a-727 or 45a-764 or assists in such a placement shall be fined not more than five thousand dollars or imprisoned not less than one year [nor] or more than five years, or both.

Sec. 166. Subsection (b) of section 46a-58 of the general statutes is

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repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any person who intentionally desecrates any public property, monument or structure, or any religious object, symbol or house of religious worship, or any cemetery, or any private structure not owned by such person, shall be in violation of subsection (a) of this section. For the purposes of this subsection, "desecrate" means to mar, deface or damage as a demonstration of irreverence or contempt.

Sec. 167. Subsection (c) of section 46a-64 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Any person who violates any provision of this section shall be fined not less than twenty-five [nor] dollars or more than one hundred dollars or imprisoned not more than thirty days, or both.

Sec. 168. Subsection (g) of section 46a-64c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) Any person who violates any provision of this section shall be fined not less than twenty-five [nor] dollars or more than one hundred dollars or imprisoned not more than thirty days, or both.

Sec. 169. Subsection (b) of section 46a-81b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any association, board or other organization which violates the provisions of this section shall be fined not less than one hundred dollars [nor] or more than five hundred dollars.

Sec. 170. Subsection (b) of section 46a-81d of the general statutes is

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repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any person who violates any provision of this section shall be fined not less than twenty-five [nor] dollars or more than one hundred dollars or imprisoned not more than thirty days, or both.

Sec. 171. Subsection (f) of section 46a-81e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) Any person who violates any provision of this section shall be fined not less than twenty-five [nor] dollars or more than one hundred dollars or imprisoned not more than thirty days, or both.

Sec. 172. Subsection (b) of section 46b-169 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any woman who, having been cited to appear before a judge of the Superior Court pursuant to subsection (a) of this section, fails to appear or fails to disclose or fails to prosecute a paternity action may be found to be in contempt of [said] court and may be fined not more than two hundred dollars or imprisoned not more than one year, or both.

Sec. 173. Subparagraph (C) of subdivision (7) of subsection (a) of section 46b-215 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(C) Any finding of support due for periods of time prior to an action in which the obligor failed to appear shall be entered subject to adjustment. Such adjustment may be made upon motion of any party, and the state in IV-D cases shall make such motion if it obtains information that would have substantially affected the court's

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determination of past ability to pay if such information had been available to the court. Motion for adjustment under this subparagraph may be made not later than twelve months [date] from the date upon which the obligor receives notification of (i) the amount of such finding of support due for periods of time prior to the action, and (ii) the right not later than twelve months from the date of receipt of such notification to present evidence as to such obligor's past ability to pay support for such periods of time prior to the action. A copy of any support order entered, subject to adjustment, shall state in plain language the basis for the court's determination of past support, the right to request an adjustment and to present information concerning the obligor's past ability to pay, and the consequences of a failure to request such adjustment.

Sec. 174. Subsection (e) of section 47-88b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) Any declarant of a conversion condominium shall, in addition to the requirements of subsection (a) of this section, include with the condominium instruments a copy of the notice set forth in subsection (b) of this section and a certified statement that such notice, fully complying with the provisions of subsection (b) of this section, was, prior to the time of the recording of the declaration of condominium, mailed or delivered to each of the tenants in the building or buildings to be converted.

Sec. 175. Subsection (g) of section 47-88b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) No eviction proceedings shall be brought against any of the occupants resident in any building or group of buildings converted to condominium ownership pursuant to this section within the term of

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any existing lease or within the [one hundred eighty-day] one-hundred-eighty-day period provided for under subsection (b) of this section, whichever is later, for failure to purchase or any other reasons applicable to termination of tenancy other than nonpayment of rent or similar justifiable reasons ordinary to landlord rights where a lease exists assuring quiet enjoyment.

Sec. 176. Subsection (b) of section 47-96 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The fee for filing any application for a permit to issue real estate syndicate securities evidencing any change in the rights, preferences, privileges or restrictions on outstanding real estate syndicate securities is one hundred dollars. Where such issuance will result in an increase in the aggregate face amount of the real estate syndicate securities, the fee shall be in accordance with [subdivision] subsection (a) of this section.

Sec. 177. Subsection (b) of section 47-97 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) No person shall make or cause to be made to any prospective purchaser any representation inconsistent with [subdivision] subsection (a) of this section.

Sec. 178. Subsection (a) of section 47-118 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) In every sale of an improvement by a vendor to a purchaser, except as provided in subsection (b) of this section or excluded or modified pursuant to subsection (d) of this section, warranties are implied that the improvement is: (1) Free from faulty materials; (2)

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constructed according to sound engineering standards; (3) constructed in a workmanlike manner; [L] and (4) fit for habitation, at the time of the delivery of the deed to a completed improvement, or at the time of completion of an improvement not completed when the deed is delivered.

Sec. 179. Subsection (b) of section 47-215 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) In the case of a common interest community containing a conversion building, sections 47-282 to 47-292, inclusive, apply whether or not the common interest community is exempt from other provisions of this chapter pursuant to subsection (a) of this section. The provisions of sections 47-282 to 47-292, inclusive, apply to a common interest community containing a conversion building created on or after July 8, 1983. The provisions of sections 47-88b to 47-88g, inclusive, do not apply to a condominium containing a conversion building created on or after July 8, 1983.

Sec. 180. Subsection (b) of section 47-240 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) An agreement of two or more common interest communities to merge or consolidate pursuant to subsection (a) of this section shall be evidenced by an agreement prepared, executed, recorded and certified by the president of the association of each of the preexisting common interest communities following approval by owners of units to which are allocated the percentage of votes in each common interest community required to terminate that common interest community. The agreement shall be recorded in every town in which a portion of the common interest community is located and is not effective until recorded.

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Sec. 181. Subdivision (5) of section 47-265 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(5) A statement of the maximum extent to which each unit's allocated interests may be changed by the exercise of any development right described in [subsection] subdivision (3) of this section.

Sec. 182. Section 49-31f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Subject to the provisions of subsection (b) of this section, a homeowner who is underemployed or unemployed against whom a foreclosure action is brought may make application, together with a financial affidavit, to the court having jurisdiction over the foreclosure action for protection from foreclosure if: (1) The mortgage being foreclosed encumbers the residential real property, which property has served as [his] such homeowner's principal residence, for a period of not less than two years, (2) such homeowner has not had a foreclosure action commenced against [him] such homeowner in the preceding seven-year period, and (3) such homeowner has not received an emergency mortgage assistance loan and has not applied for emergency mortgage assistance for two years before the application under the provisions of sections 8-265cc to 8-265ii, inclusive.

(b) If the residential real property which is the subject of a foreclosure action is owned by more than one person, (1) no homeowner shall be deemed an unemployed person or an underemployed person, for the purposes of sections 49-31d to 49-31i, inclusive, unless the aggregate earned income of all the homeowners of the residential real property which is the subject of such foreclosure action during the twelve-month period immediately preceding the commencement of the foreclosure action is less than fifty thousand dollars and less than seventy-five per cent of the average aggregate

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annual earned income during the two years immediately preceding such twelve-month period for all such homeowners, and (2) all homeowners of [said] such property other than the homeowner making application in accordance with subsection (a) of this section shall file a financial affidavit in connection with such application.

(c) The court shall determine the eligibility of such homeowner for protection from foreclosure pursuant to the provisions of sections 49-31d to 49-31i, inclusive.

(d) In determining the eligibility of a homeowner for protection from foreclosure under the provisions of sections 49-31d to 49-31i, inclusive, the court may consider any relevant facts and shall consider:

(1) The likelihood that the homeowner will be able to make timely payments on the restructured mortgage commencing at the end of the restructuring period; [.] and

(2) The presence of any substantial prejudice to the lender or any subordinate lienor or encumbrancer which would result from a restructuring of the mortgage debt.

(e) If the court determines the equity the homeowner has in the property and hears testimony from an appraiser produced by the lender in connection with such determination, (1) the reasonable cost of the appraisal and the appraiser's appearance as a witness shall be part of the court costs to be added to the principal balance pursuant to subdivision (4) of subsection (a) of section 49-31i if a restructuring order is granted, and (2) the reasonable cost of [said] such appraiser's appearance as a witness shall be part of the taxable costs of the action, in addition to the taxable costs for such appraisal and the appraiser's appearance as a witness at a subsequent hearing for a judgment of foreclosure if such order is not granted.

(f) If the court approves the application for protection from

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foreclosure and restructures the mortgage debt, the foreclosure action shall be stayed for the restructuring period. If, for a period of three months following the end of the restructuring period, there are no further proceedings to continue the foreclosure proceedings based upon a default on the mortgage as restructured, the foreclosure action shall be dismissed. The restructured mortgage debt shall have the same priority as if it had been advanced at the time the mortgage was delivered.

(g) No homeowner who files a defense to any action for foreclosure shall be eligible to make application for protection from such foreclosure pursuant to the provisions of this section.

Sec. 183. Subsection (a) of section 50a-54 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided [by] in subsection (b) of this section, proper money of the claim is, as the case may be, the money: (1) Regularly used between the parties as a matter of usage or course of dealing; (2) used at the time of a transaction in international trade, by trade usage or common practice, for valuing or settling transactions in the particular commodity or service involved; or (3) in which the loss was ultimately felt or will be incurred by a party.

Sec. 184. Section 50a-57 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in subsection (c) of this section, in a successful foreign-money claim, a judgment or arbitration award shall be stated in an amount of the money of the claim.

(b) The judgment is payable in that foreign money or, at the option of the judgment debtor, in the amount of United States dollars which will purchase that foreign money on the conversion date.

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(c) Assessed costs shall be entered in United States dollars.

(d) Each payment in United States dollars shall be accepted and credited on the judgment in the amount of the foreign money that could be purchased by the dollars at a bank-offered spot rate of exchange at or near the close of business on the conversion date for that payment.

(e) Awards made on both (1) a defense, set-off, recoupment or counterclaim, and (2) the adverse party's claim, shall be netted by converting the moneys of the smaller award into the money of the larger and by subtracting the smaller from the larger, as if a payment had occurred on the date of the most recent award, and shall provide in the judgment the rates of exchange used.

(f) A judgment substantially in the following form complies with subsection (a) [.] of this section:

IT IS ADJUDGED AND ORDERED, THAT Defendant (insert name) pay to Plaintiff (insert name) the sum of (insert amount in the foreign money) plus interest on that sum at the rate of (insert rate as provided in section 50a-59) per cent a year or, at the option of the judgment debtor, such number of United States dollars as will purchase the (insert name of foreign money) with interest due, at a bank-offered spot rate at or near the close of business on the banking day next before the day of payment, together with assessed costs of (insert amount) United States dollars.

(g) A judgment shall be recorded and indexed in the foreign money in the same manner and shall have the same effect as a lien as other judgments. It may be discharged by payment.

Sec. 185. Subsection (b) of section 50a-59 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(b) Notwithstanding subsection (a) of this section, an increase or decrease in calculated prejudgment interest may be made in a foreign-money claim to the extent required by the law of this state applicable in an action or distribution proceeding for United States dollars, if there is a failure to make or accept an offer of settlement, an offer of judgment, or conduct by a party or its attorney causing undue delay or expense.

Sec. 186. Subsection (a) of section 51-14 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The judges of the Supreme Court, the judges of the Appellate Court, and the judges of the Superior Court shall adopt and promulgate and may from time to time modify or repeal rules and forms regulating pleading, practice and procedure in judicial proceedings in courts in which they have the constitutional authority to make rules, for the purpose of simplifying proceedings in the courts and of promoting the speedy and efficient determination of litigation upon its merits. The rules of the Appellate Court shall be as consistent as feasible with the rules of the Supreme Court to promote uniformity in the procedure for the taking of appeals and may dispense, so far as justice to the parties will permit while affording a fair review, with the necessity of printing of records and briefs. Such rules shall not abridge, enlarge or modify any substantive right [nor] or the jurisdiction of any of the courts. Subject to the provisions of subsection (b) of this section, such rules shall become effective on such date as the judges specify but not in any event until sixty days after such promulgation.

Sec. 187. Subsection (c) of section 51-51k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) On and after December 1, 1992, members shall be appointed in

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accordance with subsection (a) of this section as follows: One judge shall be appointed for a term of two years, one judge shall be appointed for a term of three years and one judge shall be appointed for a term of four years; one attorney shall be appointed for a term of two years, one attorney shall be appointed for a term of three years and one attorney shall be appointed for a term of four years; two lay members shall be appointed for terms of two years, two lay members shall be appointed for terms of three years, and two lay members shall be appointed for terms of four years. Thereafter, members shall serve for terms of four years. Members may continue in office until a successor is appointed and qualified. No member appointed on or after December 1, 1992, may serve consecutive terms, and if the member is an attorney, no member of his or her firm may serve a term consecutive to such member, provided no member may serve for more than two terms. Vacancies on the council shall be filled for the unexpired portion of any term in the same manner as the original appointment. Any member who is a judge, family support magistrate or compensation commissioner and retires from full-time active service as a judge, family support magistrate or compensation commissioner shall automatically cease to be a member of the council, and a vacancy shall be deemed to occur. Alternate members shall be appointed for terms of three years and shall not serve consecutive terms as alternate members.

Sec. 188. Subsection (g) of section 51-90g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) If, after its review of a complaint pursuant to this section, a subcommittee agrees with the determination of the grievance panel that probable cause does not exist that the attorney is guilty of misconduct and there has been no finding of probable cause by the State-Wide Grievance Committee or a subcommittee, the

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subcommittee may dismiss the complaint within the time period set forth in subsection (c) of this section without review by the committee. The subcommittee shall file its decision dismissing the complaint with the State-Wide Grievance Committee, together with the record of the matter, and shall send a copy of the decision to the complainant and the respondent. Such decision shall be a matter of public record.

Sec. 189. Subsection (a) of section 51-247 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each full-time employed juror shall be paid regular wages by the juror's employer for the first five days, or part thereof, of jury service. Such payment shall be subject to the requirements of section 31-71b and any employer who violates this section shall be subject to the provisions of sections 31-71g and 31-72. A person shall not be considered a full-time employed juror on any day of jury service in which such person (1) would not have accrued regular wages to be paid by the employer if such person were not serving as a juror on that day, or (2) would not have worked more than one-half of a shift which extends into another day if such person were not serving as a juror on that day. Each juror not considered a full-time employed juror on a particular day of jury service pursuant to subdivision (1) or (2) of this subsection shall be reimbursed by the state for necessary out-of-pocket expenses incurred during that day of jury service, provided such day of service is within the first five days, or part thereof, of jury service. Each part-time employed juror and unemployed juror shall be reimbursed by the state for necessary out-of-pocket expenses incurred during the first five days, or part thereof, of jury service. Necessary out-of-pocket expenses shall include, but not be limited to, twenty cents for each mile of travel from the juror's place of residence to the place of holding the court and return, and shall exclude food. The mileage shall be determined by the shortest direct route either by

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highway or by any regular line of conveyance between the points. A reimbursement award under this subsection for each day of service shall not be less than twenty dollars [nor] or more than fifty dollars. For the purposes of this subsection, "full-time employed juror" means an employee holding a position normally requiring thirty hours or more of service in each week, which position is neither temporary nor casual, and includes an employee holding a position through a temporary help service, as defined in section 31-129, which position normally requires thirty hours or more of service in each week, who has been working in that position for a period exceeding ninety days, and "part-time employed juror" means an employee holding a position normally requiring less than thirty hours of service in each week or an employee working on a temporary or casual basis. In the event that a juror may be considered to be both a full-time employed juror and a part-time employed juror for any day of the first five days, or part thereof, of jury service, such juror shall, for the purposes of this section, be considered to be a full-time employed juror only.

Sec. 190. Section 51-247c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Upon written application on a form prescribed by the Office of the Chief Court Administrator, the court may excuse (1) an employer from the duty to compensate a juror-employee, or (2) a self-employed juror from the duty to compensate himself or herself. In such instances, the court shall make a finding that extreme financial hardship would be imposed if such duty were not removed. If an employer or self-employed juror is so excused from making payment, the court shall award to the juror the amount the court finds to be the juror's regular wages, to be paid by the state, for the first five days, or part thereof, of juror service but in no event shall such award exceed fifty dollars per day.

(b) The Jury Administrator shall mail or the clerk of the court shall

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give the waiver applications as provided for in subsection (a) of this section and juror service certificates to jurors who have performed juror service. The Office of the Chief Court Administrator may combine into one form the waiver application and the juror service certificate. The juror service certificate shall contain: (1) The name and address of the juror; (2) the court location in which the juror service was performed; (3) the number of days of juror service performed by the juror and the specific dates thereof; (4) the total compensation received by the juror for the period of juror service involved; (5) a declaration of the duty of an employer to compensate a juror-employee for the first five days or part thereof of juror service; (6) the right of an employer to be excused from such duty by the court upon a finding of extreme financial hardship; and (7) any other information which the Jury Administrator deems appropriate. Each juror service certificate shall be completed in duplicate, one copy of which shall be for the juror and one copy of which shall be for the employer of the juror. A juror who seeks compensation from [his] the juror's employer for juror service shall tender the employer's copy of the juror service [certification] certificate and the waiver application to [his] the juror's employer as soon as practicable after its receipt.

(c) An employer may file a waiver application not later than fifteen days after its receipt by the employer. The waiver application shall be submitted to the court location where the juror served. If an application is denied, the party making the application may apply for a hearing no later than twenty days from the date of the finding by the court.

Sec. 191. Subsection (a) of section 52-225a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) In any civil action, whether in tort or in contract, wherein the claimant seeks to recover damages resulting from (1) personal injury or

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wrongful death occurring on or after October 1, 1987, or (2) personal injury or wrongful death, arising out of the rendition of professional services by a health care provider, occurring on or after October 1, 1985, and prior to October 1, 1986, if the action was filed on or after October 1, 1987, and wherein liability is admitted or is determined by the trier of fact and damages are awarded to compensate the claimant, the court shall reduce the amount of such award which represents economic damages, as defined in subdivision (1) of subsection (a) of section 52-572h, by an amount equal to the total of amounts determined to have been paid under subsection (b) of this section less the total of amounts determined to have been paid under subsection (c) of this section, except that there shall be no reduction for [(1)] (A) a collateral source for which a right of subrogation exists, and [(2) that] (B) the amount of collateral sources equal to the reduction in the claimant's economic damages attributable to [his] the claimant's percentage of negligence pursuant to section 52-572h.

Sec. 192. Subsection (d) of section 54-56e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Except as provided in subsection (e) of this section, any defendant who enters such program shall pay to the court a participation fee of one hundred dollars. Any defendant who enters such program shall agree to the tolling of any statute of limitations with respect to such crime and to a waiver of the right to a speedy trial. Any such defendant shall appear in court and shall, under such conditions as the court shall order, be released to the custody of the Court Support Services Division, except that, if a criminal docket for drug-dependent persons has been established pursuant to section 51-181b in the judicial district, such defendant may be transferred, under such conditions as the court shall order, to the court handling such docket for supervision by such court. If the defendant refuses to

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accept, or, having accepted, violates such conditions, the defendant's case shall be brought to trial. The period of such probation or supervision, or both, shall not exceed two years. The court may order that as a condition of such probation the defendant participate in the zero-tolerance drug supervision program established pursuant to section 53a-39d. If the defendant has reached the age of sixteen years but has not reached the age of eighteen years, the court may order that as a condition of such probation the defendant be referred for services to a youth service bureau established pursuant to section [17a-39] 10-19m, provided the court finds, through an assessment by a youth service bureau or its designee, that the defendant is in need of and likely to benefit from such services. When determining any conditions of probation to order for a person entering such program who was charged with a misdemeanor that did not involve the use, attempted use or threatened use of physical force against another person or a motor vehicle violation, the court shall consider ordering the person to perform community service in the community in which the offense or violation occurred. If the court determines that community service is appropriate, such community service may be implemented by a community court established in accordance with section 51-181c if the offense or violation occurred within the jurisdiction of a community court established by said section. If the defendant is charged with a violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l, the court may order that as a condition of such probation the defendant participate in a hate crimes diversion program as provided in subsection (e) of this section. If a defendant is charged with a violation of section 53-247, the court may order that as a condition of such probation the defendant undergo psychiatric or psychological counseling or participate in an animal cruelty prevention and education program provided such a program exists and is available to the defendant.

Sec. 193. Section 54-82l of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective from passage*):

In accordance with the provisions of section 51-14, the judges of the Superior Court shall make such rules as they deem necessary to provide a procedure to assure a speedy trial for any person charged with a criminal offense on or after July 1, 1983. Such rules shall provide that (1) in any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of a criminal offense shall commence within eighteen months from the filing date of the information or indictment or from the date of the arrest, whichever is later, except that when such defendant is incarcerated in a correctional institution of this state pending such trial and is not subject to the provisions of section 54-82c, the trial of such defendant shall commence within twelve months from the filing date of the information or indictment or from the date of the arrest, whichever is later; and (2) if a defendant is not brought to trial within the time limit set forth in subdivision (1) of this section and a trial is not commenced within thirty days of a motion for a speedy trial made by the defendant at any time after such time limit has passed, the information or indictment shall be dismissed. Such rules shall include provisions to identify periods of delay caused by the action of the defendant, or the defendant's inability to stand trial, to be excluded in computing the time limits set forth in subdivision (1) of this section.

Sec. 194. Section 54-82m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

In accordance with the provisions of section 51-14, the judges of the Superior Court shall make such rules as they deem necessary to provide a procedure to assure a speedy trial for any person charged with a criminal offense on or after July 1, 1985. Such rules shall provide that (1) in any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of a criminal offense shall commence within twelve

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months from the filing date of the information or indictment or from the date of the arrest, whichever is later, except that when such defendant is incarcerated in a correctional institution of this state pending such trial and is not subject to the provisions of section 54-82c, the trial of such defendant shall commence within eight months from the filing date of the information or indictment or from the date of arrest, whichever is later; and (2) if a defendant is not brought to trial within the time limit set forth in subdivision (1) of this section and a trial is not commenced within thirty days of a motion for a speedy trial made by the defendant at any time after such time limit has passed, the information or indictment shall be dismissed. Such rules shall include provisions to identify periods of delay caused by the action of the defendant, or the defendant's inability to stand trial, to be excluded in computing the time limits set forth in subdivision (1) of this section.

Sec. 195. Subsection (b) of section 6 of public act 06-193 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The task force shall be composed of the following members:

(1) The chairpersons and ranking members of the joint standing committee of the General Assembly on the judiciary;

(2) Two judges of the superior court, each of whom shall have been a judge for at least ten years and have at least five years experience presiding over cases in judicial district criminal courts, appointed by the Chief Court Administrator;

(3) Two state's attorneys each of whom shall have at least ten years experience as a prosecuting attorney and at least five years experience prosecuting cases in judicial district criminal courts, appointed by the Chief State's Attorney;

(4) Two public defenders each of whom shall have at least ten years experience as a public defender and at least five years experience

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representing defendants in judicial district criminal courts, appointed by the Chief Public Defender;

(5) Two criminal defense lawyers each of whom shall have at least fifteen years experience representing defendants in criminal cases, one of whom shall be appointed by the criminal justice section of the Connecticut Bar Association and one of whom shall be appointed by the Connecticut Criminal Defense Lawyers Association;

(6) The executive director of the Court Support Services Division of the Judicial Branch or the executive director's designee;

(7) The Commissioner of Correction or the commissioner's designee;

(8) The Chairperson of the Board of Pardons and Paroles or the chairperson's designee;

(9) The Commissioner of Mental Health and Addiction Services or the commissioner's designee;

(10) The Victim Advocate or the Victim Advocate's designee;

(11) The undersecretary of the Criminal Justice Policy and Planning Division within the Office of Policy and Management;

(12) An assistant attorney general, appointed by the Attorney General;

(13) Three municipal police chiefs, one of whom shall represent an urban area, one of whom shall represent a suburban area and one of whom shall represent a rural area, appointed by the Connecticut Police Chiefs Association; [and]

(14) The Chief State's Attorney or the Chief State's Attorney's designee;

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(15) The Chief Public Defender or the Chief Public Defender's designee;

(16) The director of parole and community services of the Department of Correction;

(17) A representative of Connecticut Sexual Assault Crisis Services, Inc.; and

[(14)] (18) Six members of the General Assembly, appointed one each by the president pro tempore of the Senate, the speaker of the House of Representatives, the majority leader of the Senate, the majority leader of the House of Representatives, the minority leader of the Senate and the minority leader of the House of Representatives.

Sec. 196. Subsection (b) of section 54-125e of the general statutes, as amended by section 14 of public act 07-143, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(b) When sentencing a person to a period of special parole, the court may [, as a condition of the sentence, order such person to] recommend that such person comply with any or all of the requirements of subsection (a) of section 53a-30. The court shall cause a copy of any such [order] recommendation to be delivered to such person and to the Department of Correction. The Board of Pardons and Paroles may require that such person comply with [any or all of] the requirements of subsection (a) of section 53a-30 which the court [could have imposed and which are not inconsistent with any condition actually imposed by the court] recommended. Any person sentenced to a period of special parole shall also be subject to such rules and conditions as may be established by the Board of Pardons and Paroles or its chairperson pursuant to section 54-126.

Sec. 197. Subsection (f) of section 4-68m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from*

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passage):

(f) Not later than January 15, 2007, the division shall submit the plan developed pursuant to subsection (b) of this section to the Governor and, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to criminal justice, public safety and appropriations and the budgets of state agencies. Not later than [January] February 15, 2009, and biennially thereafter, the division shall update such plan and submit such updated plan to the Governor and said legislative committees.

Sec. 198. Section 4-68n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Criminal Justice Policy and Planning Division within the Office of Policy and Management shall develop population projections for the correctional system for planning purposes and issue a report on such projections not later than [November first] February fifteenth of each year.

Sec. 199. Subsection (f) of section 4-68o of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) The division shall publish the first annual outcome report not later than January 1, 2007, and not later than February fifteenth of each year thereafter. Such report may be included as part of the report submitted under section 4-68p.

Sec. 200. Section 4-68p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Not later than [January first] February fifteenth of each year, the Criminal Justice Policy and Planning Division within the Office of

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Policy and Management shall submit a report, in accordance with section 11-4a, and make a presentation to the joint standing committees of the General Assembly having cognizance of matters relating to criminal justice and appropriations and the budgets of state agencies concerning its activities and recommendations under section 4-68m and specifying the actions necessary to promote an effective and cohesive criminal justice system. The report shall estimate the amount of savings inuring to the benefit of the state on account of the actual prison population being less than projected prior to the adoption of prison overcrowding reduction policies and make recommendations as to the manner in which a portion of such cost savings may be reinvested in community-based services and programs and community supervision by probation and parole officers in order to maintain that reduction in projected prison population. Beginning with the report to be submitted and the presentation to be made not later than [January 1] February 15, 2008, the division shall include an assessment of the status of the development and implementation of the reentry strategy under section 18-81w, as amended by this act.

Sec. 201. Subsection (c) of section 18-81w of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Not later than [January 1, 2007] February 15, 2008, and annually thereafter, the Criminal Justice Policy and Planning Division within the Office of Policy and Management shall submit a report, in accordance with the provisions of section 11-4a, on the success of the reentry strategy based on the measures set forth in subsection (b) of this section to the joint standing committees of the General Assembly having cognizance of matters relating to corrections, public safety and appropriations and the budgets of state agencies.

Approved July 12, 2007